

**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, August 17, 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: August 17, 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=eHZRbHZXWXhlUnlKdkhtOXhoTmtNZz09>

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

**1. Call to Order**

-The meeting was called to order by Chairman Jaeckel at 7pm.

**2. Roll Call**

- Chairman Jaeckel, Supervisor Nass, Supervisors Foelker and Supervisor Poulson were present at 7pm. Supervisor Richardson was absent. Also present was Matt Zangl and Brett Scherer from the Zoning Department.

**3. Certification of Compliance with Open Meetings Law**

- Supervisor Poulson verified that the meeting was being held in compliance with Open Meetings Law.

**4. Approval of Agenda**

- Motion by Supervisors Poulson/Nass to approve the agenda. Motion passed 4-0.

**5. Explanation of Public Hearing Process by Committee Chair**

- Chairman Jaeckel explained the process.

**6. Public Hearing**

- Zangl read aloud the following:

**NOTICE IS HEREBY GIVEN** that the Jefferson County Planning and Zoning Committee will conduct a public hearing at 7 p.m. on Thursday, August 17, 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 AUGUST 28.**

**DECISIONS ON THE REZONINGS WILL BE MADE ON SEPTEMBER 12.**

**FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL AND RURAL BUSINESS WITH  
CONDITIONAL USE PERMIT**

**R4488A-23 & CU2100-23 – Daniel Simarron Tecalero & Paolo Rodriguez Perez:** Rezone 3.7 acres of PIN 020-0814-2422-001 (10 ac) with conditional use for a recreational facility including pony rides, petting zoo and party room at **W5245 Navan Rd**, Town of Milford. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Paolo Rodriguez Perez (W5245 Navan Road) presented herself as the petitioner for this conditional use and rezone. The petitioner is looking to rezone part of the property to A-2 to allow for a recreational facility for children. The petitioner said this would include pony rides, farms animals, outside activities for kids and picture taking. The petitioner said the proposed hours are going to be 12pm to 10pm. The petitioner said the days of operation would be Monday -Sunday. The petitioner said temporary bathrooms would be used, two for boys and two for girls. The petitioner said she is looking into selling alcoholic beverages to the adults if possible.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** Grant Rice (W5221 Navan Road) was not opposed but wanted clarification about some concerns. Rice said he owns the adjacent property and was concerned about the late hours, animal waste and traffic hazards already with the campground nearby.

**REBUTTAL:** Paolo Rodriguez Paolo said the event will be on the other side of the property and away from Rice's home. The petitioner also said the barn will be removed completely. The petitioner also said they could reduce the hours to 9pm.

**QUESTIONS FROM COMMITTEE:** Supervisor Nass asked the petitioner how the waste from the animals would be handled? The petitioner said there are not many animals and will be spread in the nearby woods on the property.

**STAFF:** Given by Zangl and in the file. The petitioner said Zangl asked if they petitioner would be open to adjusting hours? The petitioner said yes. Zangl asked about the animal waste? The petitioner said it will be spread on the property away from the proposed recreational area.

**TOWN:** In favor with condition of removing building blocking sight line near road.

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

**R4489A-23 – Kim & Craig Foelker:** Create a 1.19-ac lot with existing home and buildings at **W2607 State Rd 106**, Town of Hebron, on PIN 010-0615-3643-000 (21.091 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Kim Foelker (N2424 Mehring Road) presented herself as the petitioner for this rezone. The petitioner is looking to split off the existing homes and buildings from the farmland. The petitioner said they tried to keep as much of the farmland off the proposed lot.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** Supervisor Nass asked how old the home is? The petitioner said the home was built around the 1900s.

**STAFF:** Given by Zangl and in the file.

**TOWN:** In favor.

### CONDITIONAL USE PERMIT APPLICATIONS

**CU2101-23 – EOE Real Estate LLC, Owner/Jen O’Branovich, Petitioner:** Conditional use to allow outdoor events in an existing Business zone at **W9535 US Highway 12**, Town of Oakland, on PIN 022-0613-0731-001 (1.5 ac). This in accordance with Sec 11.04(f)3 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Courtney presented herself as the petitioner for this conditional use. The petitioner is looking for an outdoor event area in an existing business area. The petitioner said the events would include live music, farmers markets and other community related events. The petitioner said there is a lack of entertainment in the area and that this would boost entertainment and commerce for the area.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file. Zangl asked if there would be any structures that would need to be created? The petitioner said no new structures are needed. Zangl asked about the parking? The petitioner said there are going to be 100 spots and there is 39 existing parking spots. The petitioner also said they have a parking plan with the bowling alley if needed. The petitioner said the events would be approximately 120 people. Zangl asked about the hours of the events? The petitioner said events would close at 9pm and would have clean up until 10pm.

**TOWN:** In favor.

**CU2102-23 – Gregory Podkowinski:** Conditional use to allow three dogs as household pets in a Residential R-1 zone. The site is at **W1680 County Rd F** on PIN 026-0616-1714-003 (0.13 ac) in the Town of Sullivan. This is in accordance with Sec 11.04(f)1 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Gregory Podkowinski (W1680 County Road F) presented himself as the petitioner for this conditional use. The petitioner said he is looking to get a third dog for hunting and his current hunting dog is getting old. The petitioner said the waste is double bagged, there is a 10’ x 24’ fenced in area and are only off leash on public hunting grounds.

**COMMENTS IN FAVOR:** None.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file. Zangl asked if he would go down to two dogs when the older dog passes. The petitioner said yes.

**TOWN:** In favor.

**CU2103-23 – George Jr & Paul Swart, Owners/One Energy Renewables, Petitioner:** Conditional use to allow a solar generation facility near **N1175 Old 26 Rd** on PINs 016-0514-2022-001 (19.773 ac) and 016-0514-1911-000 (51.283 ac) in the Town of Koshkonong. This is in accordance with Sec 11.04(f)6 of the Jefferson County Zoning Ordinance.

**PETITIONER:** Peter Murphy (One Energy Renewables) presented himself as the petitioner for this conditional use. The petitioner is looking to create a solar facility at N1175 Old 26 Road. The petitioner gave a presentation regarding the project, solar development, and the procedure.

**COMMENTS IN FAVOR:** Paul Swart (N1175 Old 26 Road) was in favor of the petition. Swart said he is in full support and will be local energy for the community.

Nick Matthes (N4909 Duck Creek Road) was in favor of the petition. Matthes said he works in the solar business and fully supports the development.

Niel Matthes (N4909 Duck Creek Road) was in favor of the petition. Matthes said he works in the solar business and fully support the development. Matthes said it is a good opportunity to work with a local company.

Frankie Fuller (N3063 Buena Vista Road) was in favor of the petition. Fuller said she is representing Heart of the City and fully support the solar development.

Chris Swart (N1175 Old 26 Road) was in favor of the petition. Swart says he owns the property and is in full support of the petition. Swart said it is a great way to keep the family farm.

**COMMENTS OPPOSED:** None.

**REBUTTAL:** None.

**QUESTIONS FROM COMMITTEE:** None.

**STAFF:** Given by Zangl and in the file and discussed finding of fact in file. Zangl read aloud Supervisors Martin's questions and comments. Supervisors Martin's questions and comments are in the file.

**TOWN:** In favor.

## **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.**

-Supervisor Poulson moved to adjourn at 8:31 p.m. and was seconded by Supervisor Nass. Motion passed 4-0.

*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.**

**MINUTES OF THE  
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE  
DECISION MEETING**

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

**SUBJECT:** Planning and Zoning Committee Decision Meeting

**DATE:** Monday, August 28, 2023

**TIME:** 8:30 a.m.

**PLACE:** County Highway Department Committee Room, 1425 Wisconsin Drive, Jefferson, WI

**YOU MAY ATTEND VIRTUALLY BY FOLLOWING THESE INSTRUCTIONS:**

Register in advance for this meeting:

[https://zoom.us/meeting/register/tJEkf--hpj4pHd2y7-u8i9MUTAbnqMB\\_1Qxy](https://zoom.us/meeting/register/tJEkf--hpj4pHd2y7-u8i9MUTAbnqMB_1Qxy)

Meeting ID: 959 8698 5379

Passcode: Zoning

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

**1. Call to Order**

The meeting was called to order by Supervisor Jaeckel at 8:30 a.m.

**2. Roll Call (Establish a Quorum)**

Committee members present were Supervisors Jaeckel, Foelker, Poulson and Nass. County staff members in attendance were Supervisor Anita Martin, Ben Wehmeier, Michael Luckey, Matt Zangl, Sarah Elsner, Brett Scherer and Deb Magritz. Guests were two employees from One Energy.

**3. Certification of Compliance with Open Meetings Law**

Poulson verified compliance with Open Meetings Law.

**4. Approval of the Agenda**

Motion by Supervisors Poulson/Foelker to approve the agenda, and to move CU2103-23 from agenda item 17 up in the meeting.

**5. Public Comment (Not to exceed 15 minutes and not to include petitions slated for decision. Members of the public who wish to address the Committee on specific agenda items must register their request at this time)**

There was no public comment.

**6. Approval of July 31, August 11, and August 17 meeting minutes**

Motion by Supervisors Poulson/Foelker to approve the July 31 minutes as printed. Motion passed 4-0.

Motion by Supervisors Poulson/Foelker to approve the August 11 minutes as presented. Motion passed 4-0.

The August 17 public hearing minutes were not ready for review.

**7. Communications**

Zangl stated that the subdivision in the Town of Oakland should be on the September 25 agenda for preliminary plat approval. If all goes well, the subdividers hope to start building by summer of 2024. Access details are under consideration.

Zangl reported on the Brunson/Boathouse petition in the Town of Concord, noting that there should be a response from the judge by the end of the month.

**8. July Monthly Financial Report for Register of Deeds – Staci Hoffman**

Deeds continue to come in, but not at the level of the last couple of years.

**9. July Monthly Financial Report for Land Information Office – Matt Zangl**

Zangl reported that while retained fees remain slow, the Land Information Office is getting revenue from map sales.

**10. August Monthly Financial Report for Zoning – Matt Zangl**

Zoning revenues are down \$5,000 for the month of August. Revenues are about equal to those of 2022.

**11. Discussion on Solar Energy Facilities**

a. Crawfish River Solar

Zangl reported that the project is expected to go live by the end of August or beginning of September. Grading and landscaping is being completed. An inspection and tour will be arranged for the Committee.

**Supervisor Richardson arrived at 8:36 a.m.**

b. Badger State Solar

The project is continuing forward; 30% plans have been provided. Zangl noted that there have been meetings with the project management crew. Ranger Power is working on the project so far, but it will at some time handed off to Bolt as the main contractor.

**12. Discussion on WE Energies Liquefied Natural Gas (LNG) Facility in the Town of Ixonia**

This project is in the final stages of construction. They are filling the tanks with water as a test and then releasing the water to the impound yard and slowly releasing it from there.

**13. Discussion and Possible Action on Amending the Jefferson County Comprehensive Plan and Agricultural Preservation and Land Use Plan along with the County Zoning Ordinance to allow A-3 lots to be subdivided**

Zangl showed the Committee the memo that was sent to the Towns. He will keep the Committee up to date on Town responses. The hope is to have a public hearing on it by the end of the year.

**14. Discussion and Possible Action on a Public Participation Plan to Amend the Jefferson County Comprehensive Plan and Farmland Preservation Plan to allow A-3 zoned lots to be divided**

Zangl explained the process. Motion by Supervisors Poulson/Nass to approve the participation plan. Motion passed 5-0.

**15. Discussion and Possible Action on enacting an Erosion Control Ordinance**

Zangl reported that the work group had met three times, reviewed the DNR model ordinance and came up with a draft ordinance before forwarding it to the Planning and Zoning Committee. There was considerable discussion on fine tuning the document. Nass questioned the necessity of the County having such an ordinance. Wehmeier added his input. Motion by Supervisors Nass/Poulson to postpone action for fiscal notes, for information on additional permit fees to support the extra work, and necessity of having the ordinance. Motion passed 5-0.

**16. Discussion and Possible Action on enacting a Post-Construction Stormwater Management Ordinance**

Zangl explained that water run-off on pre- and post-construction differences would be compared with this ordinance. Nass suggested that this would be duplication of services since the Towns already have this type of ordinance. State funds, if available, would be helpful to support implementation. Motion by Supervisors Nass/Poulson to postpone action on the ordinance. Motion passed 5-0.

**17. Discussion and Possible Action on Petitions Presented in Public Hearing on August 17, 2023:**

**FROM A-1, EXCLUSIVE AGRICULTURAL TO A-2, AGRICULTURAL & RURAL BUSINESS WITH  
CONDITIONAL USE PERMIT**

**APPROVE WITH CONDITIONS R4488A-23 & CU2100-23 both on motions by Supervisors Nass/Poulson for Daniel**

Simarron Tecalero & Paolo Rodriguez Perez to rezone 3.7 acres of PIN 020-0814-2422-001 (10 ac) with conditional use for a recreational facility including pony rides, petting zoo and party room at **W5245 Navan Rd**, Town of Milford. This is in accordance with Sec. 11.04(f)7 of the Jefferson County Zoning Ordinance. Motion passed 5-0.

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

**APPROVE WITH CONDITIONS** R4489A-23 on a motion by Supervisors Poulson/Jaeckel for Kim & Craig Foelker to create a 1.19-ac lot with existing home and buildings at **W2607 State Rd 106**, Town of Hebron, on PIN 010-0615-3643-000 (21.091 ac). This is in accordance with Sec. 11.04(f)8 of the Jefferson County Zoning Ordinance. Motion passed 5-0.

### **CONDITIONAL USE PERMIT APPLICATIONS**

**APPROVE WITH CONDITIONS** CU2101-23 on a motion by Supervisors Nass/Foelker for EOE Real Estate LLC, Owner/Jen O'Branovich, Petitioner and grant a conditional use to allow outdoor events in an existing Business zone at **W9535 US Highway 12**, Town of Oakland, on PIN 022-0613-0731-001 (1.5 ac). This in in accordance with Sec 11.04(f)3 of the Jefferson County Zoning Ordinance. Motion passed 5-0.

**APPROVE WITH CONDITIONS** CU2102-23 on a motion by Supervisors Poulson/Foelker and grant Gregory Podkowinski a conditional use to allow three dogs as household pets in a Residential R-1 zone. The site is at **W1680 County Rd F** on PIN 026-0616-1714-003 (0.13 ac) in the Town of Sullivan. This is in accordance with Sec 11.04(f)1 of the Jefferson County Zoning Ordinance. Motion passed 5-0.

**APPROVE WITH CONDITIONS** CU2103-23 on a motion by Supervisors Nass/Richardson and grant George Jr & Paul Swart, Owners/One Energy Renewables, Petitioner a conditional use to allow a solar generation facility near **N1175 Old 26 Rd** on PINs 016-0514-2022-001 (19.773 ac) and 016-0514-1911-000 (51.283 ac) in the Town of Koshkonong. This is in accordance with Sec 11.04(f)6 of the Jefferson County Zoning Ordinance. Motion passed 5-0.

#### **18. Possible Future Agenda Items**

#### **19. Upcoming Meeting Dates-Location subject to change**

September 15, 8:00 a.m. - Site Inspections Beginning at Zoning Office, 222 Wisconsin Drive

September 21, 7:00 p.m. - Public Hearing in Highway Department Training Room, 1425 Wisconsin Dr

September 25, 8:30 a.m. - Decision Meeting in Highway Department Committee Room, 1425 Wisconsin Dr-

#### **Richardson may be absent.**

October 13, 8:00 a.m. - Site Inspections Beginning at Zoning Office, 222 Wisconsin Drive

October 19, 7:00 p.m. - Public Hearing in Highway Department Training Room, 1425 Wisconsin Dr

October 30, 8:30 a.m. – Decision Meeting Highway Department Committee Room, 1425 Wisconsin Dr.

#### **20. Adjourn**

Motion by Supervisors Foelker/Nass to adjourn the meeting. Motion passed and the meeting adjourned at 9:40 a.m.

**If you have questions regarding the petitions, please contact the Zoning Department at 920-674-7131. Petition files referenced on this agenda may be viewed at 222 Wisconsin Drive between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. Materials covering other agenda items can be found at [www.jeffersoncountyiwi.gov](http://www.jeffersoncountyiwi.gov).**

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.

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**MINUTES OF THE  
JEFFERSON COUNTY PLANNING AND ZONING COMMITTEE  
SITE INSPECTIONS**

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

**SUBJECT:** Planning and Zoning Committee Site Inspections  
**DATE:** Friday, September 15, 2023  
**TIME:** 8:00 a.m.  
**PLACE:** Zoning Office, 222 Wisconsin Drive, Jefferson, WI

**1. Call to Order**

The meeting was called to order by Supervisor Jaeckel at 8:01 a.m

**2. Roll Call (Establish a Quorum)**

Supervisor Poulson was absent and excused. All other Committee members were present. Zoning/Land Information Department staff present included Matt Zangl, Deb Magritz and Caleb Dammen.

**3. Certification of Compliance with Open Meetings Law**

Zangl verified compliance with Open Meetings.

**4. Approval of the Agenda**

Motion by Supervisor Foelker/Richardson to approve the minutes as presented. Motion passed 4-0.

**5. Public Comment (Not to exceed 15 minutes and not to include petitions slated for decision.**

**Members of the public who wish to address the Committee on specific agenda items must register their request at this time)**

There was no public comment.

**6. Communications**

There were no communications.

**The Committee left for the following site inspections:**

**7. Site Inspections for Petitions to be Presented in Public Hearing on September 21, 2023:**

**R4490A-23 – Dan & Diane Garr/Robert & Margaret Schaefer Property:** 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.

**R4492A-23 – Stanley A Hansen Trust:** Rezone part of PIN 030-0813-2311-000 (33. 867 ac) & add 0.262 ac from PIN 030-0813-2311-002 (3.995 ac) already zoned A-3 to create a 1.9-ac new building site along **Island Church Rd** in the Town of Waterloo. This is in accordance with Sec 11.04(f)8 of the Jefferson County Ordinance.

**R4494A-23 – David Kerschke:** 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.

**R4493A-23 – Kelvin & Vonnie Buske:** 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.

**R4491A-23 – Kevin & Christine Griswold:** 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

**CU2104-23 – Andrew Bauer:** Modify conditional uses CU2071-22 and CU1494-08 to allow an additional building for the dog training/boarding facility at **W2193 Staude Rd**, on PIN 026-0616-0744-000 (1.639 ac), Town of Sullivan. The site is zoned A-1, Exclusive Agricultural. This is in accordance with Sec 11.04(f)8 of the Jefferson County Zoning Ordinance.

## **8. Adjourn**

Motion by Supervisors Foelker/Richardson to adjourn the meeting. Motion passed 4-0, and the meeting adjourned at 10:15 a.m.

**If you have questions regarding the petitions, please contact the Zoning Department at 920-674-7131. Petition files referenced on this agenda may be viewed in Courthouse Room 201 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. Materials covering other agenda items can be found at [www.jeffersoncountywi.gov](http://www.jeffersoncountywi.gov).**

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*Zoning*

09/21/2023  
13:41:26

Jefferson County  
REPORT

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FROM 2023 01 TO 2023 12

ACCOUNTS FOR:  
100 General Fund

ORIGINAL  
APPROP

TRANSFRS/  
ADJUSTMTS

REVISED  
BUDGET

ACTUALS

ENCUMBRANCES

AVAILABLE  
BUDGET

PCT  
USED

12901	411100	General Property Taxes	-395,657	0	-395,657	-230,800.15	.00	-164,857.20	58.3%
12901	432002	Private Sewage System	-60,000	0	-60,000	-38,875.00	.00	-21,125.00	64.8%
12901	432099	Other Permits	-145,000	0	-145,000	-120,860.00	.00	-24,140.00	83.4%
12901	451002	Co Ordinance Forfeiture	0	0	0	-266.00	.00	266.00	.0%
12901	451002	Private Party Photocopy	-1,000	0	-1,000	-1,051.95	.00	51.95	105.2%
12901	458010	Soil Testing Fee	-7,500	0	-7,500	-8,020.00	.00	520.00	106.9%
12901	472003	Municipality Copies & Printin	0	0	0	-6.25	.00	6.25	.0%
12901	511110	Salary-Permanent Regular	109,963	0	109,963	77,245.88	.00	32,717.00	70.2%
12901	511210	Wages-Regular	279,961	0	279,961	190,437.98	.00	89,522.83	68.0%
12901	511220	Wages-Overtime	1,661	0	1,661	243.60	.00	1,417.08	14.7%
12901	511330	Wages-Temporary	8,986	0	8,986	13,455.00	.00	-4,469.40	149.7%
12901	512140	Wages-Longevity Pay	750	0	750	.00	.00	750.00	.0%
12901	512141	Social Security	28,477	0	28,477	20,463.13	.00	8,013.50	71.9%
12901	512142	Retirement (Employer)	26,679	0	26,679	17,930.26	.00	8,748.48	67.2%
12901	512144	Health Insurance	94,213	0	94,213	53,308.81	.00	40,904.26	56.6%
12901	512145	Life Insurance	141	0	141	99.33	.00	41.61	70.5%
12901	521212	Dental Insurance	4,602	0	4,602	3,451.50	.00	1,150.50	75.0%
12901	521212	Legal	0	0	0	760.75	.00	-1,760.75	.0%
12901	531301	Office Equipment	0	0	0	1,889.55	.00	-1,889.55	.0%
12901	531311	Postage & Box Rent	5,800	0	5,800	6.99	.00	-6.99	.0%
12901	531312	Office Supplies	1,500	0	1,500	4,620.64	.00	1,179.36	79.7%
12901	531313	Printing & Duplicating	1,750	0	1,750	1,447.30	.00	52.70	96.5%
12901	531321	Publication Of Legal Notice	6,000	0	6,000	75.12	.00	674.88	10.0%
12901	531324	Membership Dues	250	0	250	4,350.68	.00	1,649.32	72.5%
12901	531326	Advertising	0	0	0	521.19	.00	-271.19	208.5%
12901	531329	Other Publ/Subscriptions/Dues	100	0	100	350.00	.00	-350.00	.0%
12901	531351	Gas/Diesel	1,600	0	1,600	98.18	.00	1.82	98.2%
12901	532325	Registration	750	0	750	1,367.09	.00	232.91	85.4%
12901	532335	Meals	200	0	200	780.00	.00	-30.00	104.0%
12901	532336	Lodging	984	0	984	115.18	.00	84.82	57.6%
12901	533225	Telephone & Fax	1,000	0	1,000	556.00	.00	428.00	56.5%
12901	533236	Wireless Internet	0	0	0	704.40	.00	295.60	70.4%
12901	533242	Maintain Machinery & Equip	1,200	0	1,200	69.09	.00	-69.09	.0%
12901	533532	Vehicle Parts & Repairs	0	0	0	1,643.32	.00	-443.32	136.9%
12901	571004	IP Telephony Allocation	955	0	955	50.00	.00	-50.00	.0%
12901	571005	Duplicating Allocation	1,840	0	1,840	875.38	.00	79.62	91.7%
12901	571009	MIS PC Group Allocation	18,021	0	18,021	1,686.63	.00	153.37	91.7%
						16,519.25	.00	1,501.75	91.7%

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Jefferson County  
REPORT

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FROM 2023 01 TO 2023 12

ACCOUNTS FOR:  
100 General Fund

	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
12901 571010 MIS Systems Grp Alloc(ISIS)	4,148	0	4,148	3,802.37	.00	345.63	91.7%
12901 571020 Fleet Allocation	3,580	0	3,580	.00	.00	3,580.00	.0%
12901 591519 Other Insurance	5,048	0	5,048	4,248.97	.00	799.03	84.2%
TOTAL Zoning	0	0	0	23,294.22	.00	-23,294.22	.0%
TOTAL General Fund	0	0	0	23,294.22	.00	-23,294.22	.0%
TOTAL REVENUES	-609,157	0	-609,157	-399,879.35	.00	-209,278.00	
TOTAL EXPENSES	609,157	0	609,157	423,173.57	.00	185,983.78	

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Jefferson County  
REPORT

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FROM 2023 01 TO 2023 12

ACCOUNTS FOR:  
100 General Fund

ORIGINAL APPROP TRANSFRS/ ADJUSTMTS REVISED BUDGET ACTUALS ENCUMBRANCES AVAILABLE BUDGET PCT USED

12501 Real Estate Description	ORIGINAL APPROP	TRANSFRS/ ADJUSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
12501 411100 General Property Taxes	-335,338	0	-335,338	-195,613.95	.00	-139,724.20	58.3%
12501 451006 Real Estate Descrip Charges	-4,500	0	-4,500	-3,547.42	.00	-952.58	78.8%
12501 451008 Remote Access Fees	-7,000	0	-7,000	-5,125.00	.00	-1,875.00	73.2%
12501 472011 Other Govt Land Info Charges	-1,800	0	-1,800	-1,185.13	.00	-614.87	65.8%
12501 511210 Wages-Regular	227,978	0	227,978	156,795.60	.00	71,182.64	68.8%
12501 511220 Wages-OverTime	11	0	11	14.21	.00	-2.95	126.2%
12501 511330 Wages-Temporary	0	0	0	600.00	.00	-600.00	0%
12501 511241 Social Security	1,046	0	1,046	229.98	.00	815.82	22.0%
12501 512142 Retirement (Employer)	15,274	0	15,274	10,795.76	.00	4,478.37	70.7%
12501 512144 Health Insurance	15,574	0	15,574	10,247.16	.00	5,327.25	65.8%
12501 512145 Life Insurance	65,071	0	65,071	48,422.82	.00	16,647.73	74.4%
12501 512153 HRA Contribution	47	0	47	40.77	.00	6.39	86.5%
12501 512173 Dental Insurance	0	0	0	2,605.39	.00	-2,605.39	0%
12501 531311 Postage & Box Rent	3,166	0	3,166	2,274.25	.00	891.35	71.8%
12501 531312 Office Supplies	100	0	100	23.78	.00	76.22	23.8%
12501 531313 Printing & Duplicating	400	0	400	247.34	.00	152.66	61.8%
12501 531324 Membership Dues	100	0	100	.00	.00	100.00	0%
12501 531326 Advertising	80	0	80	80.00	.00	.00	100.0%
12501 532325 Registration	0	0	0	110.32	.00	-110.32	0%
12501 532332 Mt Leage	140	0	140	140.00	.00	.00	100.0%
12501 532335 Meals	0	0	0	52.40	.00	-52.40	0%
12501 532336 Lodging	100	0	100	32.33	.00	67.67	32.3%
12501 533325 Telephone & Fax	492	0	492	.00	.00	492.00	0%
12501 535242 Maintain Machinery & Equip	0	0	0	.32	.00	-.32	0%
12501 571004 IP Telephony Allocation	2,100	0	2,100	3,407.62	.00	-1,307.62	162.3%
12501 571005 Dupllicating Allocation	318	0	318	291.50	.00	26.50	91.7%
12501 571009 MIS PC Group Allocation	316	0	316	289.63	.00	26.37	91.7%
12501 571010 MIS Systems Grp Alloc(ISIS)	12,014	0	12,014	11,012.87	.00	1,001.13	91.7%
12501 591519 Other Insurance	1,810	0	1,810	1,659.13	.00	150.87	91.7%
TOTAL Real Estate Description	2,501	0	2,501	2,170.52	.00	330.48	86.8%
TOTAL Real Estate Description	0	0	0	46,072.20	.00	-46,072.20	0%

12502 Assessment of Property

12502 411100 General Property Taxes	-7,386	0	-7,386	-4,308.50	.00	-3,077.50	58.3%
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FROM 2023 01 TO 2023 12

ACCOUNTS FOR:  
100 General Fund

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
12502 531312 Office Supplies	3,000	0	3,000	892.45	.00	2,107.55	29.7%
12502 531313 Printing & Duplicating	1,500	0	1,500	178.37	.00	1,321.63	11.9%
12502 535242 Maintain Machinery & Equip	750	0	750	750.00	.00	.00	100.0%
12502 571005 Duplicating Allocation	2,136	0	2,136	1,958.00	.00	178.00	91.7%
TOTAL Assessment of Property	0	0	0	-529.68	.00	529.68	.0%

12503 Land Information Program

12503 421001 State Aid	-51,000	0	-51,000	-71,000.00	.00	20,000.00	139.2%
12503 451305 Land Info/Deeds Fee	-102,000	0	-102,000	-55,744.00	.00	-46,256.00	54.7%
12503 472011 Other Govt Land Info Charges	0	0	0	-5,160.00	.00	5,160.00	.0%
12503 521219 Other Professional Serv	25,000	0	25,000	.00	.00	25,000.00	.0%
12503 521220 Consultant	6,000	0	6,000	.00	.00	6,000.00	.0%
12503 521296 Computer Support	36,160	0	36,160	29,919.20	.00	6,240.80	82.7%
12503 531303 Computer Equipment & Software	6,000	0	6,000	4,773.87	.00	1,226.13	79.6%
12503 531312 Office Supplies	500	0	500	.00	.00	500.00	.0%
12503 532325 Membership Dues	500	0	500	530.00	.00	-30.00	106.0%
12503 532325 Registration	1,360	0	1,360	1,210.00	.00	150.00	89.0%
12503 532335 Meals	100	0	100	.00	.00	100.00	.0%
12503 532336 Lodging	656	0	656	360.00	.00	296.00	54.9%
12503 594819 Capital other Equipment	115,000	0	115,000	38,982.35	.00	-1,947.05	101.7%
12503 594950 Operating Reserve	264,549	0	284,918	284,918.00	.00	-11,947.05	.0%
12503 699700 Resv Applied Operating	-302,825	-20,369	-323,194	.00	.00	-323,194.20	.0%
TOTAL Land Information Program	0	0	0	-56,128.58	77,964.70	-21,836.12	.0%

12505 Surveyor

12505 411100 General Property Taxes	-100,497	0	-100,497	-58,623.11	.00	-41,873.61	58.3%
12505 511110 Salary-Permanent Regular	81,148	0	81,148	61,313.43	.00	19,834.85	75.6%
12505 512141 Social Security	6,208	0	6,208	4,690.50	.00	1,517.34	75.6%
12505 512142 Retirement (Employer)	5,518	0	5,518	3,880.34	.00	1,637.74	70.3%
12505 512145 Life Insurance	39	0	39	26.56	.00	11.96	69.0%
12505 531273 Dental Insurance	1,104	0	1,104	828.00	.00	276.00	75.0%
12505 531312 Office Supplies	40	0	40	51.50	.00	-11.50	128.8%
12505 531313 Printing & Duplicating	20	0	20	.00	.00	20.00	.0%
12505 531314 Small Items Of Equipment	700	0	700	1,351.64	.00	-651.64	193.1%

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Jefferson County  
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FROM 2023 01 TO 2023 12

ACCOUNTS FOR:  
100 General Fund

	ORIGINAL APPROP	TRANSFRS/ADJUSTMTS	REVISED BUDGET	ACTUALS	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
12505 531351 Gas/Diesel	500	0	500	533.91	.00	-33.91	106.8%
12505 532325 Registration	310	0	310	340.00	.00	-30.00	109.7%
12505 533236 Lodging	164	0	164	204.00	.00	-40.00	124.4%
12505 533236 Wireless Internet	450	0	450	320.08	.00	129.92	71.1%
12505 535352 Vehicle Parts & Repairs	0	0	0	96.00	.00	-96.00	.0%
12505 571004 IP Telephony Allocation	106	0	106	97.13	.00	8.87	91.6%
12505 571009 MIS PC Group Allocation	1,201	0	1,201	1,100.88	.00	100.12	91.7%
12505 571010 MIS Systems Grp Alloc(TSIS)	1,754	0	1,754	691.13	.00	62.87	91.7%
12505 571020 Fleet Allocation	780	0	780	.00	.00	780.00	.0%
12505 591519 Other Insurance	1,455	0	1,455	1,253.45	.00	201.55	86.1%
TOTAL Surveyor	0	0	0	18,155.44	.00	-18,155.44	.0%
TOTAL General Fund	0	0	0	7,569.38	77,964.70	-85,534.08	.0%
TOTAL REVENUES	-912,346	-20,369	-932,715	-400,307.11	.00	-532,407.96	
TOTAL EXPENSES	912,346	20,369	932,715	407,876.49	77,964.70	446,873.88	

September 21, 2023

Mr. Cru Stublely  
Secretary to the Commission  
Public Service Commission of Wisconsin  
4822 Madison Yards Way  
Madison, WI 53705-9100

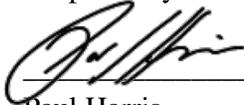
**Docket No. 9800-CE-100: Report for 3rd Quarter 2023 on the Certificate of Public Convenience and Necessity of Badger State Solar, LLC to Construct a Solar Electric Generation Facility, to be Located in Jefferson County, Wisconsin**

Dear Mr. Stublely,

Pursuant to Order Point 6, we are submitting this quarterly report for the 3rd quarter of 2023.

- a. Construction Commencement Date;
  - Construction has not yet commenced. A request for extension was filed on May 1, 2023, and granted on June 2, 2023. The current construction start date is March 1, 2024.
- b. Major Construction and Environmental Milestones;
  - The Project refreshed the Online Notice Criteria Tool with the Federal Aviation Administration in July of 2023. No new exceedances of the Notice Criteria were identified.
- c. Construction Updates, In-Service Date and Percent Completion;
  - No construction activity has commenced as of the end of the reporting period.
  - The latest anticipated in-service date for the 149 MW Badger State Solar is August 1, 2025.
- d. Placed in Service Date;
  - No facilities have been placed in service as of the end of the reporting period.

Respectfully submitted,



---

Paul Harris  
Badger State Solar, LLC  
paul@rangerpower.com  
(847) 707-1395  
226 N. Morgan St.  
Chicago, IL 60607



MEMORANDUM

TO: Seeger Bos & Harmon Bos, Seeger Bos Farms LLC  
CC: Zoning and Planning Department; Andrew Skor, MSA Professional Service Inc.  
FROM: Land and Water Conservation Department  
DATE: 9/15/2023  
SUBJECT: Livestock Siting Application Completeness

The Jefferson County Land and Water Conservation Department (LWCD) has reviewed the application, worksheets, and supplemental information submitted by Seeger Bos Farms LLC for a Conditional Use Permit (CUP) under the Livestock Siting (ATCP 51) process. The LWCD recommends that the Zoning Committee find the application to be complete. Included in this application is the abandonment of the Manure Pit identified on the site maps and worksheets. No new structures are proposed in this application. The CUP will allow up to 759 animal units (50 dairy calves, 200 beef steers and cows, and 1098 beef calves).

**Other Items**

- Annual nutrient management plan updates shall be submitted to the Land and Water Conservation Department by September 30<sup>th</sup> of each year for the following crop year.
- The Manure Pit must be abandoned by 12/31/2025 as stated in the letter dated 7/31/2023 submitted by Seeger Bos Farms LLC.
- Per the Livestock Siting Law [ATCP 51.8 (2)] **within 2 years** the livestock operator must begin populating the approved facility and **begin construction on every new or expanded livestock housing structure, as well as every new, expanded, or altered waste storage structure, proposed in the application.**
- Any changes to your operation that would change the information provided in this Livestock Siting Application or Worksheets once the Conditional Use Permit has been issued will require either a new application to be filed or an amendment to your current Livestock Siting Application.

**Any portions of the application that are in need of an update can be picked up at the LWCD office.** Questions regarding the completeness determination should be directed to Joe Strupp of the Land and Water Conservation Department at 920-674-7483.

# OAKLAND HILLS SUBDIVISION

## PRELIMINARY PLAT

A PARCEL OF LAND LOCATED IN THE SE 1/4 AND THE SW 1/4 OF THE SW 1/4 OF SECTION 4 AND PART SE 1/4 OF THE SE 1/4 OF SECTION 5, TOWN 6 NORTH, RANGE 13 EAST, IN THE TOWN OF OAKLAND, JEFFERSON COUNTY, WISCONSIN.

### SURVEYOR'S CERTIFICATE

I, PAUL H. VAN HENKELUM, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THE LAND HEREIN DESCRIBED:  
 A PARCEL OF LAND LOCATED IN THE SE 1/4 AND THE SW 1/4 OF THE SW 1/4 OF SECTION 4 AND PART SE 1/4 OF THE SE 1/4 OF SECTION 5, TOWN 6 NORTH, RANGE 13 EAST, IN THE TOWN OF OAKLAND, JEFFERSON COUNTY, WISCONSIN, BEING FURTHER DESCRIBED AS FOLLOWS:  
 COMMENCING AT THE SW CORNER OF SAID SECTION 4, ALSO BEING THE POINT OF BEGINNING, THENCE N89°41'40"W ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 5, 1330.63'; THENCE N00°31'12"E, 550.30'; THENCE N74°02'26"E, 411.75'; THENCE S89°42'38"E, 282.23'; THENCE N00°16'54"W, 375.66'; THENCE N87°15'04"E, 145.24'; THENCE N00°53'34"E, 215.10' TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF US HIGHWAY 18; THENCE S89°41'28"E ALONG SAID SOUTH RIGHT-OF-WAY, 26.14'; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY 571°17'03"E, 79.06'; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY S89°42'31"E, 100.00'; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY N84°34'30"E, 100.50'; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY S89°42'30"E, 299.97'; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY N84°35'32"E, 100.50'; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY S89°42'12"E, 207.75'; THENCE S00°17'20"W ALONG THE WEST LINE OF CSM #1873, 404.23'; THENCE S89°42'37"E ALONG THE SOUTH LINE OF SAID CSM, 536.15'; THENCE N00°03'50"E ALONG THE EAST LINE OF SAID CSM, 414.13' TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE; THENCE S89°41'58"E ALONG SAID SOUTH RIGHT-OF-WAY, 407.71'; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY S83°59'21"E, 150.74'; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY S89°42'00"E, 199.99'; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY N84°08'49"E, 140.04'; THENCE WITH A CURVE TO THE RIGHT A CURVE LENGTH OF 112.65', A RADIUS OF 2080.63', HAVING A CHORD THAT BEARS S88°32'54"E FOR A LENGTH OF 112.65'; THENCE S27°01'49"E, 23.42' TO A POINT; THENCE S03°00'06"W, 157.56' TO A POINT; THENCE ALONG A CURVE TO THE RIGHT A CURVE LENGTH OF 254.99', AND A RADIUS OF 510.26, A CHORD THAT BEARS S17°41'31"W FOR A LENGTH OF 252.35' TO A POINT ON THE CENTERLINE OF COUNTY A; THENCE ALONG SAID CENTERLINE S32°33'44"W, 1001.47' TO THE SOUTH LINE OF THE SW 1/4 OF SECTION 4; THENCE N89°45°05'W, 1338.72' ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 3,156,583.9 SF / 72.46 ACRES MORE OR LESS.

I FURTHER CERTIFY THAT I HAVE MADE SAID SURVEY, LAND DIVISION, AND PLAT BY THE DIRECTION OF OWNER OF SAID LAND.

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LANDS SURVEYED AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE TOWN OF OAKLAND AND JEFFERSON COUNTY IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

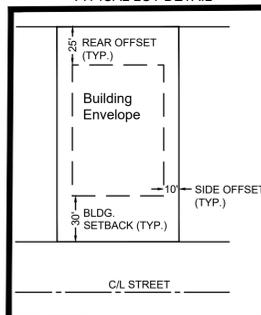
PAUL H. VAN HENKELUM,  
 WISCONSIN PROFESSIONAL LAND SURVEYOR, NO. 1931  
 (original if signed in red)



### NOTES:

- TOTAL PARCEL OF LAND INCLUDED IN THIS PLAT CONTAINS 72.46 ACRES+/-.
- THIS PARCEL IS NOT IN A FLOOD HAZARD ARE PER FEMA FLOOD MAP 55055C0163F, EFFECTIVE 02/04/2015.
- ALL LOTS TO BE SERVED BY SANITARY SEWER PROVIDED BY THE TOWN OF OAKLAND SANITARY DISTRICT.
- SEE SHEET 3 FOR EXISTING TOPOGRAPHY.
- SEE SHEET 4 FOR EXISTING AND PROPOSED ZONING AND TREE AREAS.
- SOILS TAKEN FROM JEFFERSON COUNTY G.I.S. WEBSITE, JAN 29, 2023.
- THE ENVIRONMENTAL CORRIDOR TAKEN FROM JEFFERSON COUNTY G.I.S. WEBSITE JAN 29, 2023.
- WETLANDS DELINEATED BY WETLAND & WATERWAY CONSULTING, LLC ON 10-27-2021.
- SEE SHEET 2 FOR TANGENT TABLE, AND OTHER RESTRICTIONS.
- ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 ("NAD88").
- PUBLIC WATER IS NOT AVAILABLE IN THIS IMMEDIATE AREA.

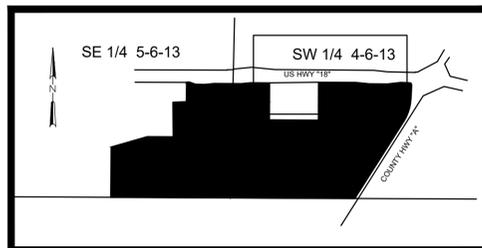
### TYPICAL LOT DETAIL



### LEGEND

- Found Section Corner
- Found 1" ID
- Iron Pipe Set 1 1/4" x 18"
- Found utility pedestal
- Found power pole
- Environmental Corridor
- Soil type, delineation
- Existing zoning
- Wetlands
- Existing contours

### LOCATION MAP



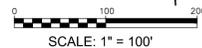
SE 1/4 OF SECT. 5 AND SW 1/4 OF SECT. 4 - T6N - R13E  
 Scale 1" = 1000'



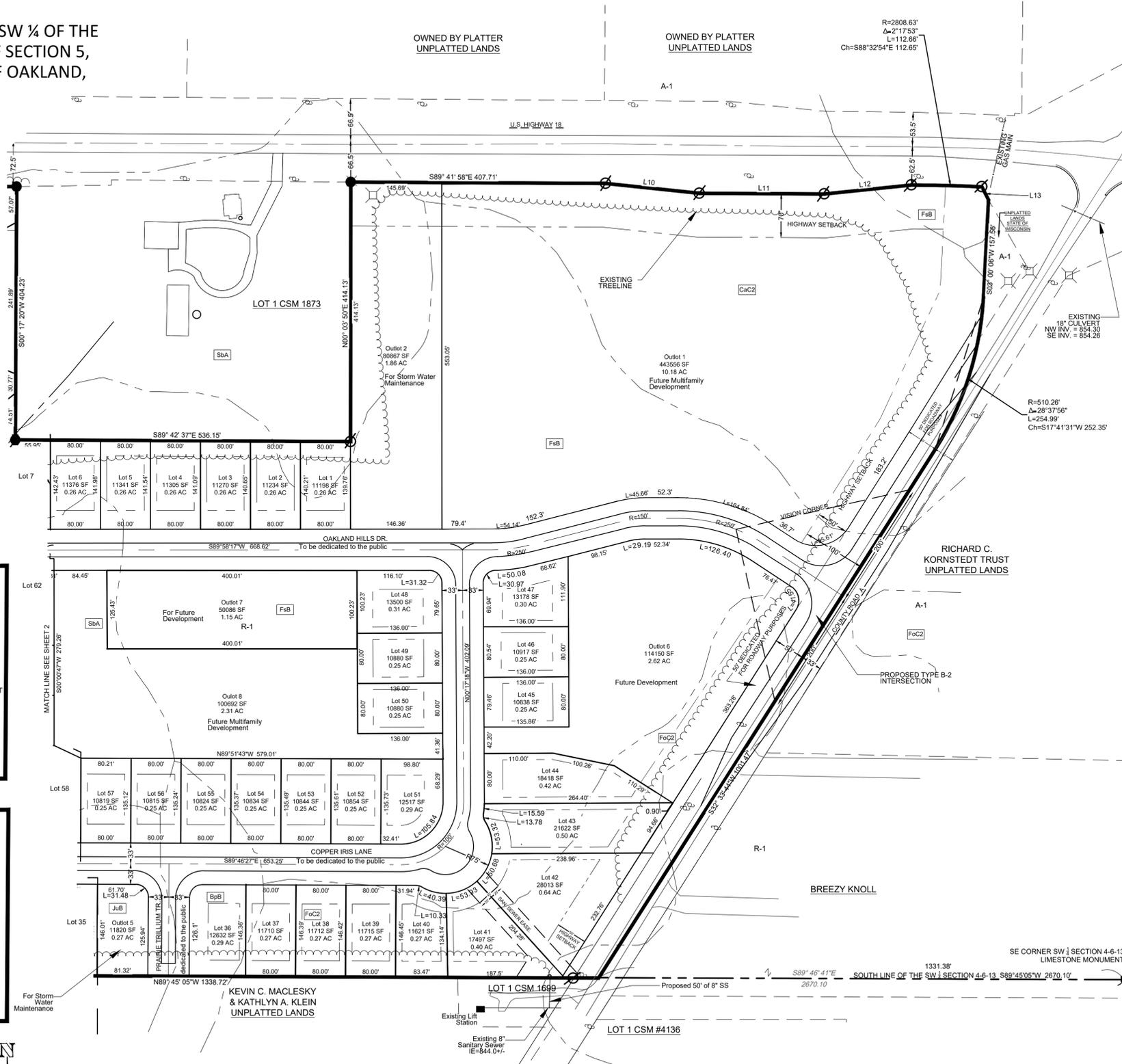
CARDINAL ENGINEERING LLC  
 DESIGNING IN TRUE DIRECTIONS  
 PO BOX 281  
 1200 LASALLE STREET  
 LAKE GENEVA, WI 53147  
 262-757-8776  
 CARDINALENGINEERINGWI.COM

OWNER/DEVELOPER:  
 JOHN A. & ANN E. DIDION  
 W8961 RIPLEY ROAD  
 CAMBRIDGE, WI 53147

SURVEYOR / ENGINEER:  
 PAUL H. VAN HENKELUM  
 CARDINAL ENGINEERING  
 PO BOX 281 / 1200 LASALLE STREET  
 LAKE GENEVA, WI 53147  
 PHONE 262-757-8776



SCALE: 1" = 100'



# OAKLAND HILLS SUBDIVISION

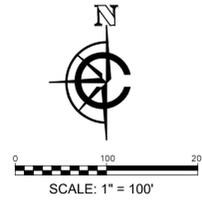
## PRELIMINARY PLAT

A PARCEL OF LAND LOCATED IN THE SE 1/4 AND THE SW 1/4 OF THE SW 1/4 OF SECTION 4 AND PART SE 1/4 OF THE SE 1/4 OF SECTION 5, TOWN 6 NORTH, RANGE 13 EAST, IN THE TOWN OF OAKLAND, JEFFERSON COUNTY, WISCONSIN.

LINE NUMBER	LENGTH (FT)	DIRECTION
L4	26.14	S89° 41' 28"E
L5	79.06	S71° 17' 03"E
L6	100.00	S89° 42' 31"E
L7	100.50	N84° 34' 30"E
L8	100.50	N84° 35' 32"E
L9	207.75	S89° 42' 12"E
L10	150.74	S83° 59' 21"E
L11	199.99	S89° 42' 00"E
L12	140.04	N84° 08' 49"E
L13	23.42	S27° 01' 49"E
L14	157.56	S03° 00' 06"W

### LEGEND

- Found Section Corner
- Found 1" ID
- Iron Pipe Set 1 1/4" x 18"
- Found utility pedestal
- Found power pole
- Environmental Corridor
- Soil type, delineation
- Existing zoning
- Wetlands
- Existing contours



### ACCESS RESTRICTION CLAUSE:

All lots and blocks are hereby restricted so that no owner, possessor, user, licensee, or other person may have any right of direct vehicular ingress from or egress to any highway lying within the right-of-way of U.S.H. "18". It is expressly intended that this restriction constitute a restriction for the benefit of the public as provided in s.236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Any access shall be allowed only by special exception. Any access allowed by special exception shall be confirmed and granted only through the driveway permitting process and all permits are revocable.

### HIGHWAY SETBACK RESTRICTION:

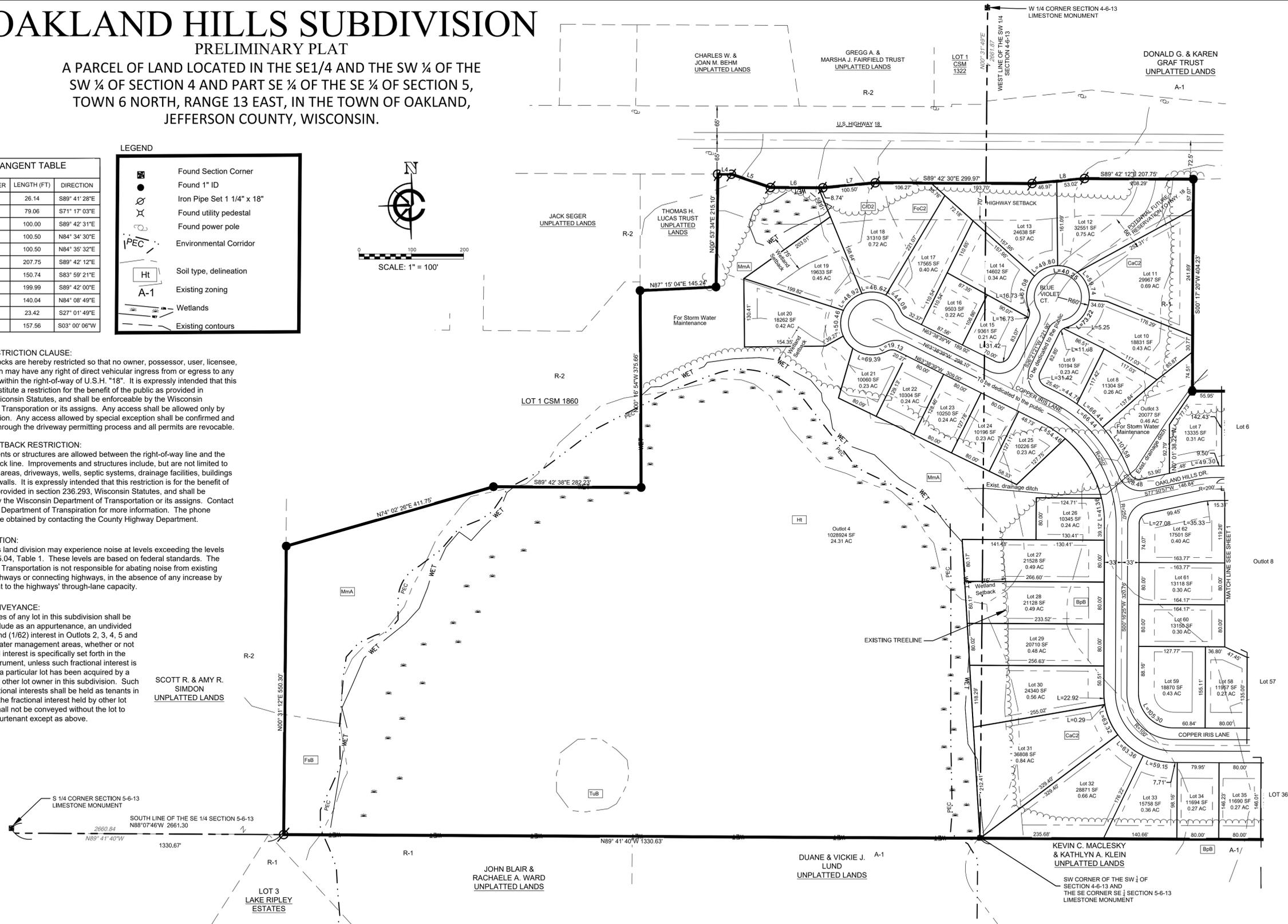
No improvements or structures are allowed between the right-of-way line and the highway setback line. Improvements and structures include, but are not limited to signs, parking areas, driveways, wells, septic systems, drainage facilities, buildings and retaining walls. It is expressly intended that this restriction is for the benefit of the public as provided in section 236.293, Wisconsin Statutes, and shall be enforceable by the Wisconsin Department of Transportation or its assigns. Contact the Wisconsin Department of Transportation for more information. The phone number may be obtained by contacting the County Highway Department.

### NOISE NOTATION:

The lots of this land division may experience noise at levels exceeding the levels in s. Trans 405.04, Table 1. These levels are based on federal standards. The Department of Transportation is not responsible for abating noise from existing state trunk highways or connecting highways, in the absence of any increase by the department to the highways' through-lane capacity.

### OUTLOT CONVEYANCE:

All conveyances of any lot in this subdivision shall be deemed to include as an appurtenance, an undivided one-sixtysecond (1/62) interest in Outlots 2, 3, 4, 5 and 8, the storm water management areas, whether or not such fractional interest is specifically set forth in the conveying instrument, unless such fractional interest is identified with a particular lot has been acquired by a municipality or other lot owner in this subdivision. Such undivided fractional interests shall be held as tenants in common with the fractional interest held by other lot owners and shall not be conveyed without the lot to which it is appurtenant except as above.



**CARDINAL ENGINEERING LLC**  
DESIGNING IN TRUE DIRECTIONS

PO BOX 281  
1200 LASALLE STREET  
LAKE GENEVA, WI 53147  
262-757-8776  
CARDINALENGINEERINGWI.COM



JOB No. 21416  
DATE: 02-16-2023  
REVISED 4-24-2023  
REVISED 6-26-2023  
REVISED 9-20-2023  
SHEET 2 OF 4

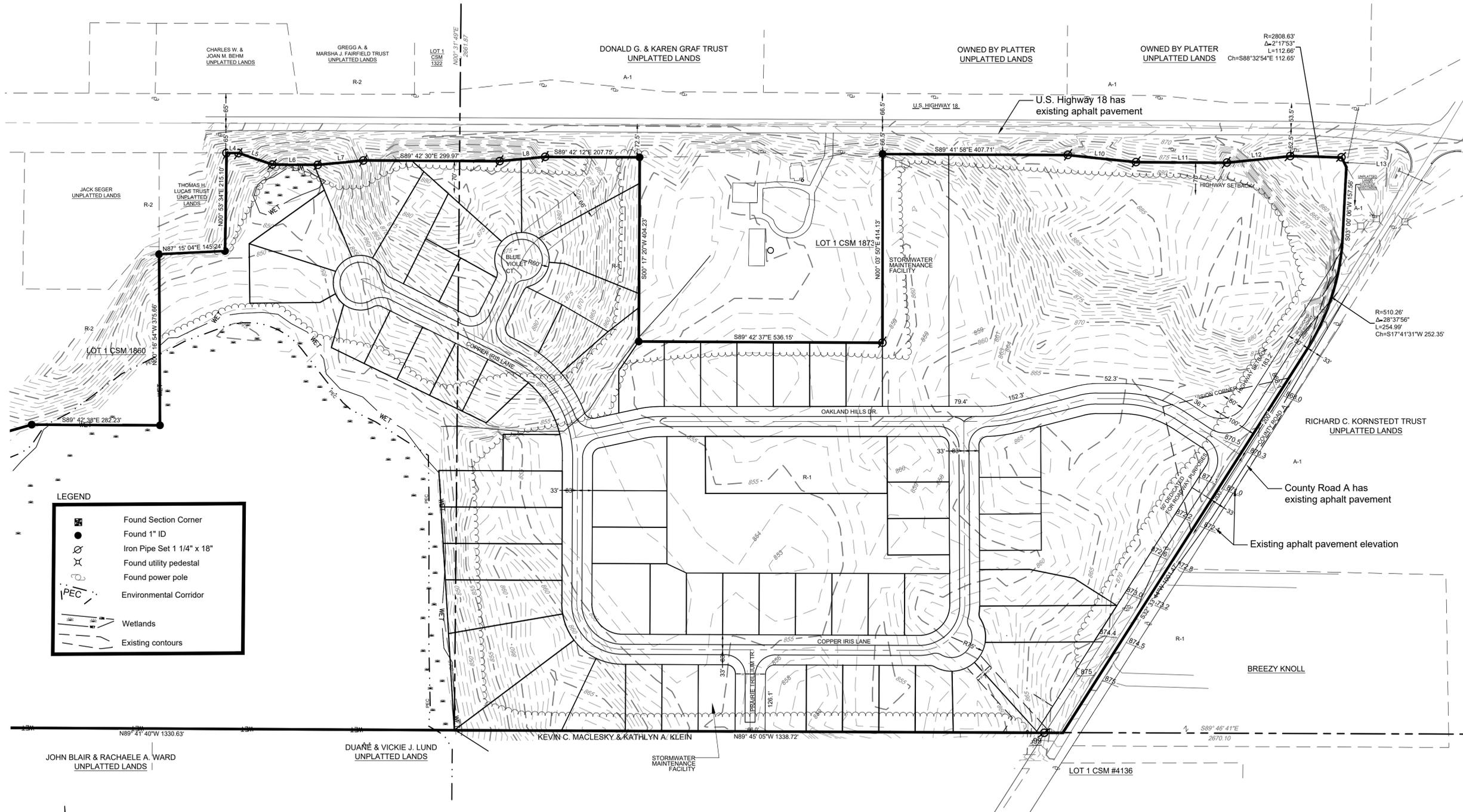
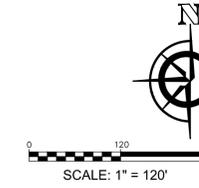
INSTRUMENT DRAFTED BY: PAUL H. VAN HENKELUM, P.L.S., S-1931

# OAKLAND HILLS SUBDIVISION

## PRELIMINARY PLAT

A PARCEL OF LAND LOCATED IN THE SE 1/4 AND THE SW 1/4 OF THE SW 1/4 OF SECTION 4 AND PART SE 1/4 OF THE SE 1/4 OF SECTION 5, TOWN 6 NORTH, RANGE 13 EAST, IN THE TOWN OF OAKLAND, JEFFERSON COUNTY, WISCONSIN.

## TOPOGRAPHIC SURVEY



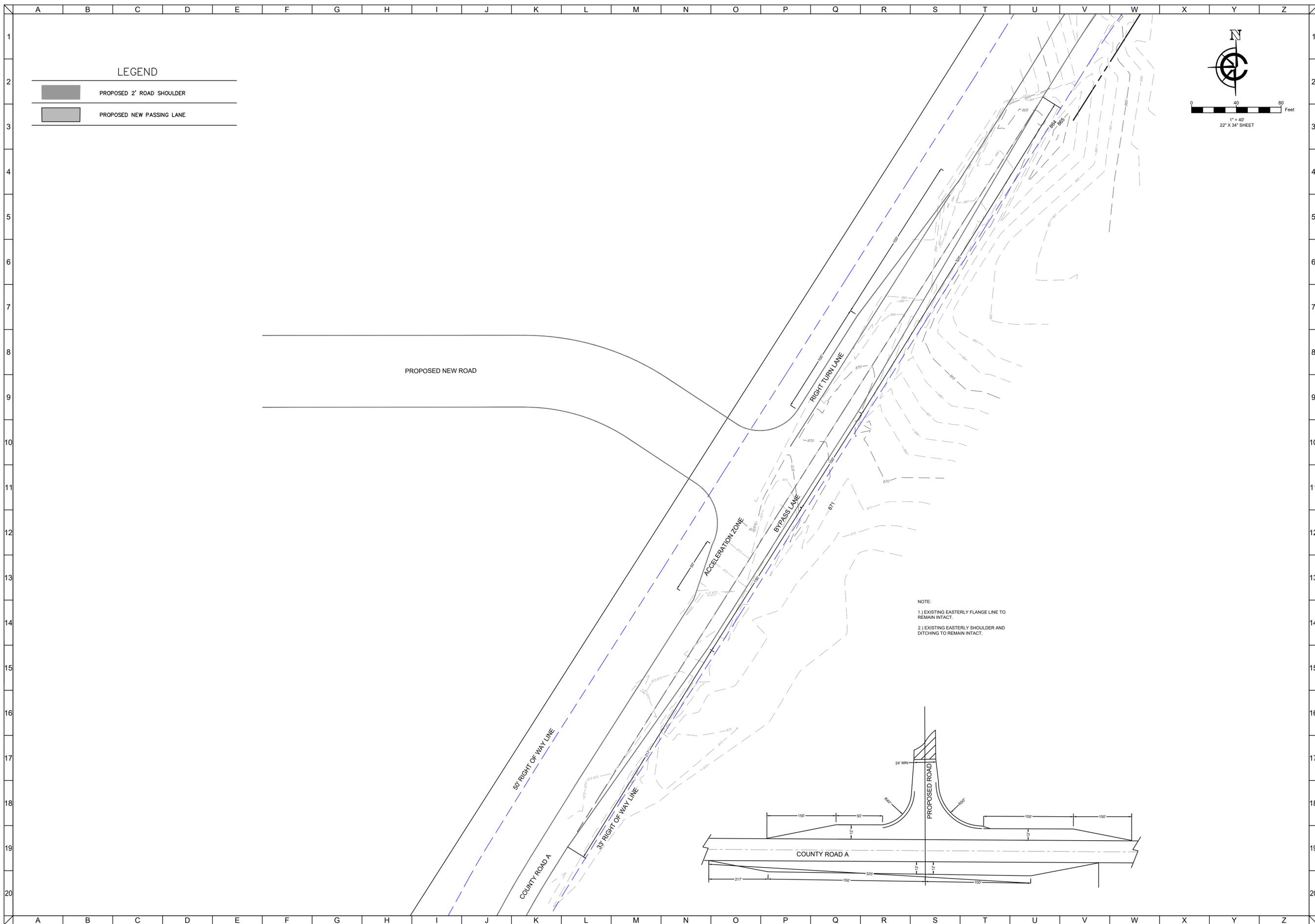
CARDINAL ENGINEERING LLC  
DESIGNING IN TRUE DIRECTIONS  
PO BOX 281  
1200 LASALLE STREET  
LAKE GENEVA, WI 53147  
262-757-8776  
CARDINALENGINEERINGWI.COM

WISCONSIN  
PAUL H. VAN HENKELUM  
S-1931  
LAKE GENEVA, WI  
LAND SURVEYOR

JOB No. 21416  
DATE: 02-16-2023  
REVISED 4-24-2023  
REVISED 6-26-2023  
REVISED 9-20-2023  
SHEET 3 OF 4

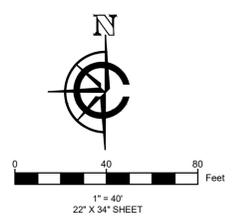
INSTRUMENT DRAFTED BY: PAUL H. VAN HENKELUM, P.L.S., S-1931



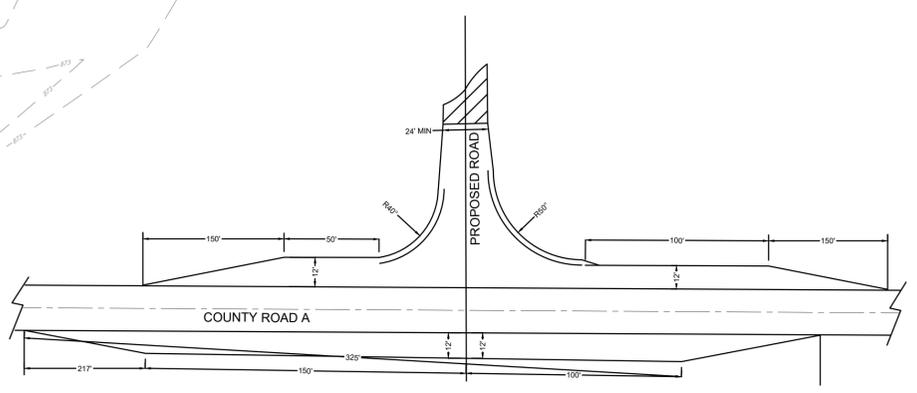


**LEGEND**

	PROPOSED 2' ROAD SHOULDER
	PROPOSED NEW PASSING LANE



**NOTE:**  
 1.) EXISTING EASTERLY FLANGE LINE TO REMAIN INTACT.  
 2.) EXISTING EASTERLY SHOULDER AND DITCHING TO REMAIN INTACT.



CLIENT

**OAKLAND HILLS SUBDIVISION**  
 TOWN OF OAKLAND, JEFFERSON COUNTY, WI  
 PRELIMINARY PLAN | GRADING PLAN



**CARDINAL**  
 PLAN-SURVEY-ENGINEER  
 DESIGNING IN TRUE DIRECTIONS  
 1200 LA SALLE STREET,  
 LAKE GENEVA, WI 53147  
 262-757-8776  
 PLANSURVEYENGINEER.COM

NO.	REVISION DESCRIPTION	REV DATE

SHEET NUMBER  
**1 OF 1**

Hello Matt,

I just wanted to touch on a few things about the indoor farm we have. The method we have implemented is the future of farming. The indoor microgreen farm uses no soil, disturbs no soil, and there is no drainage. We use a neutral grow medium made of Coco Coir. The Coir is a natural fiber extracted from the outer husk of coconut. It has a naturally balanced PH and is biodegradable. We are a registered farm with the Dept. of Agriculture, Trade, and Consumer Protection.

We currently can grow 48 - 10" inch x 20" inch x 1" inch trays. These fit on two 48' Inch x 18" inch x 80" inch shelving units. (See photos) At this time we are growing on 1 of the shelving units, and the other is being used for germination. Each 10" x 20" tray will require approximately 4 cups of water from germination to harvest. All water given to the microgreens is consumed by the plants without any drainage. Once the trays are harvested the remnants are consumed by some local chickens, and the balance of the coir is composted for outdoor use.

The convenience bath would be used for hand washing and toilet use @ about 3.5 gallons per day. It would be approximately 2 years before the tank would need pumping at a cost of \$150. Verses a septic system costing \$15000.00. The system would be in the area shaded in red if it perks. That area would hold 6500 strawberry plants. Each plant would produce 4lbs of strawberries @ \$3.00 to \$4.00 per pound that's potentially \$78,000. To \$104,000. In Strawberries verses a septic system that won't be used.

The reason for the convenience bathroom is I now spend most of my time in the barn and am a great distance from the home (380+feet). Once I reach the home, I must climb a hill at 30 degrees for 50 feet, and the go upstairs before I can walk anther 45 feet to utilize the bathroom in the home. This is a great inconvenience as I'm 65 with several disabilities, and mad dash isn't in my vocabulary anymore.

I had initially planned for a sanitary system but there is separation from the barn with a roadway. I will need to add another roadway to serve the back lot, and another for the barn as it is separated. (See pictures) The second roadway is where the sanitary would lend itself. Beyond that is a large section of pines. Beyond the pines is the only alternate area in the event the existing home sanitary system fails.

The property when I purchased it had a 55' foot easement that served 3 properties. Then it was changed in 1989 to a 66' roadway. Now we are to have 66' feet per property. Looking at the photo's you will understand the conundrum I have. I would like to use the land for productive reasons being the planting of strawberries or other crops, or the additional roadway now required, rather than a sanitary system that goes unused. I'm looking for a fiscally reasonable solution that is in the best interest of the continuation of smart farming, and land use.

Thank you for this consideration.

Scott Schiefelbein

262-593-2653

715-790-6963

countryviewfarms@myyahoo.com

1001 001 001

Home  
Alternate Septic Location

Barn  
Access

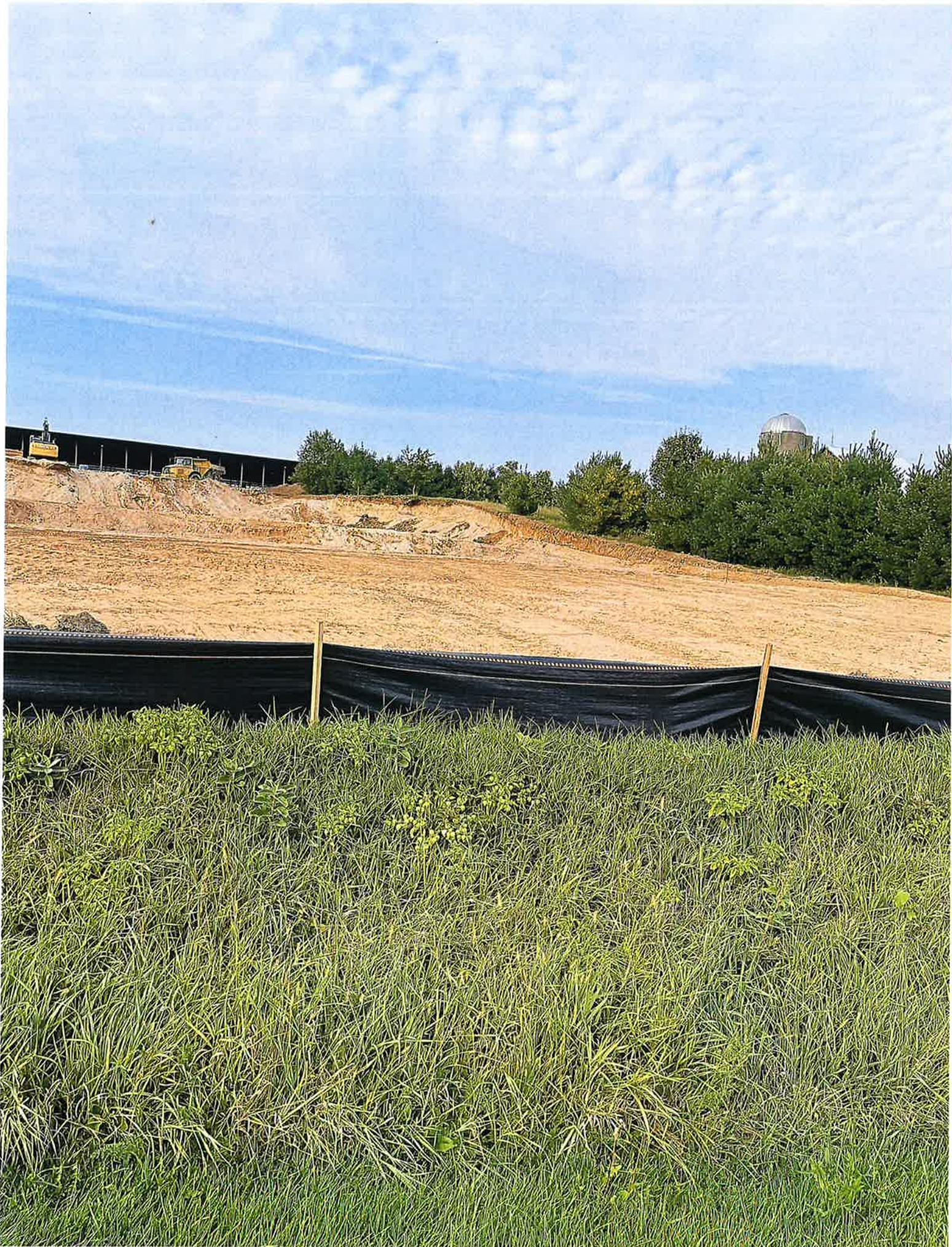


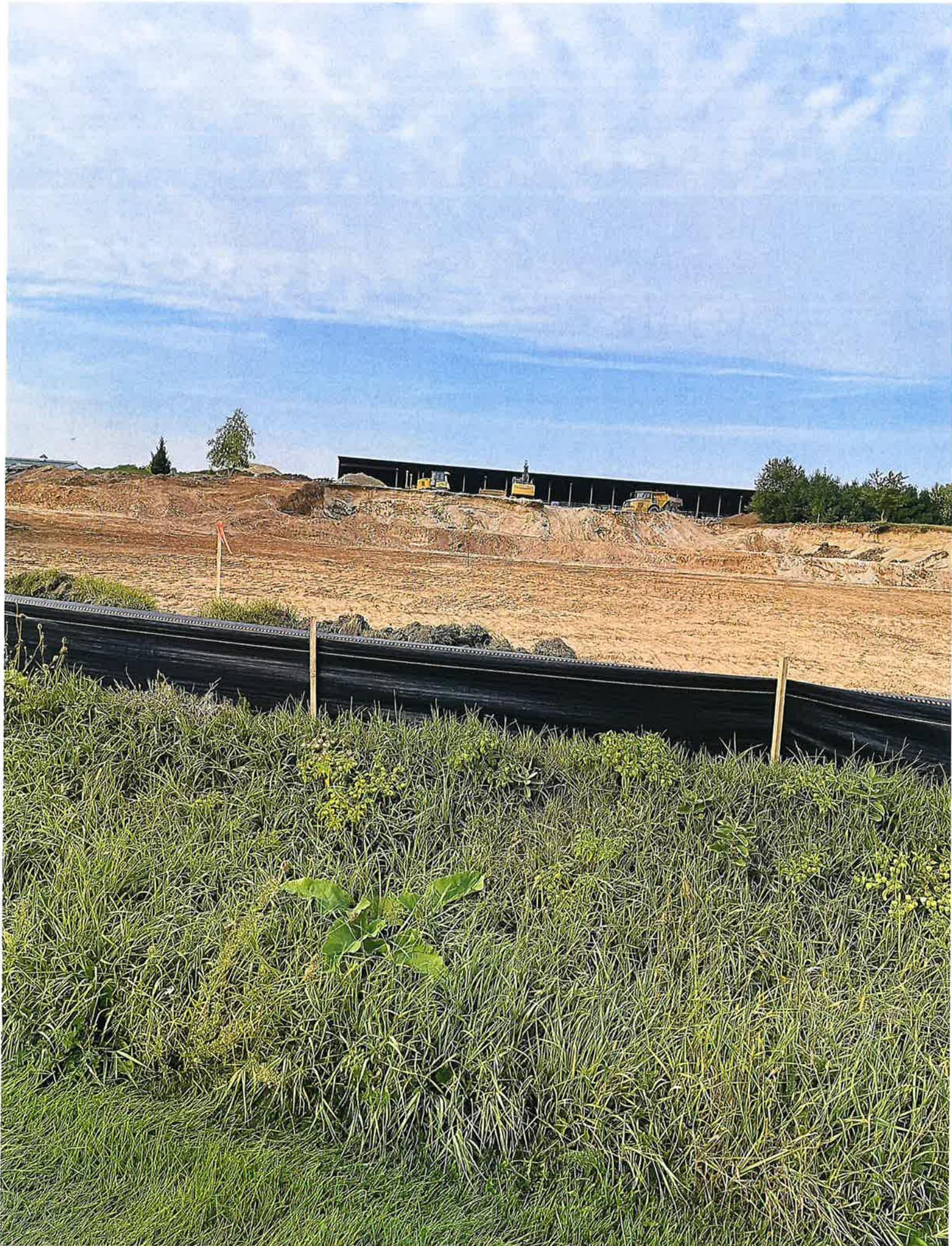


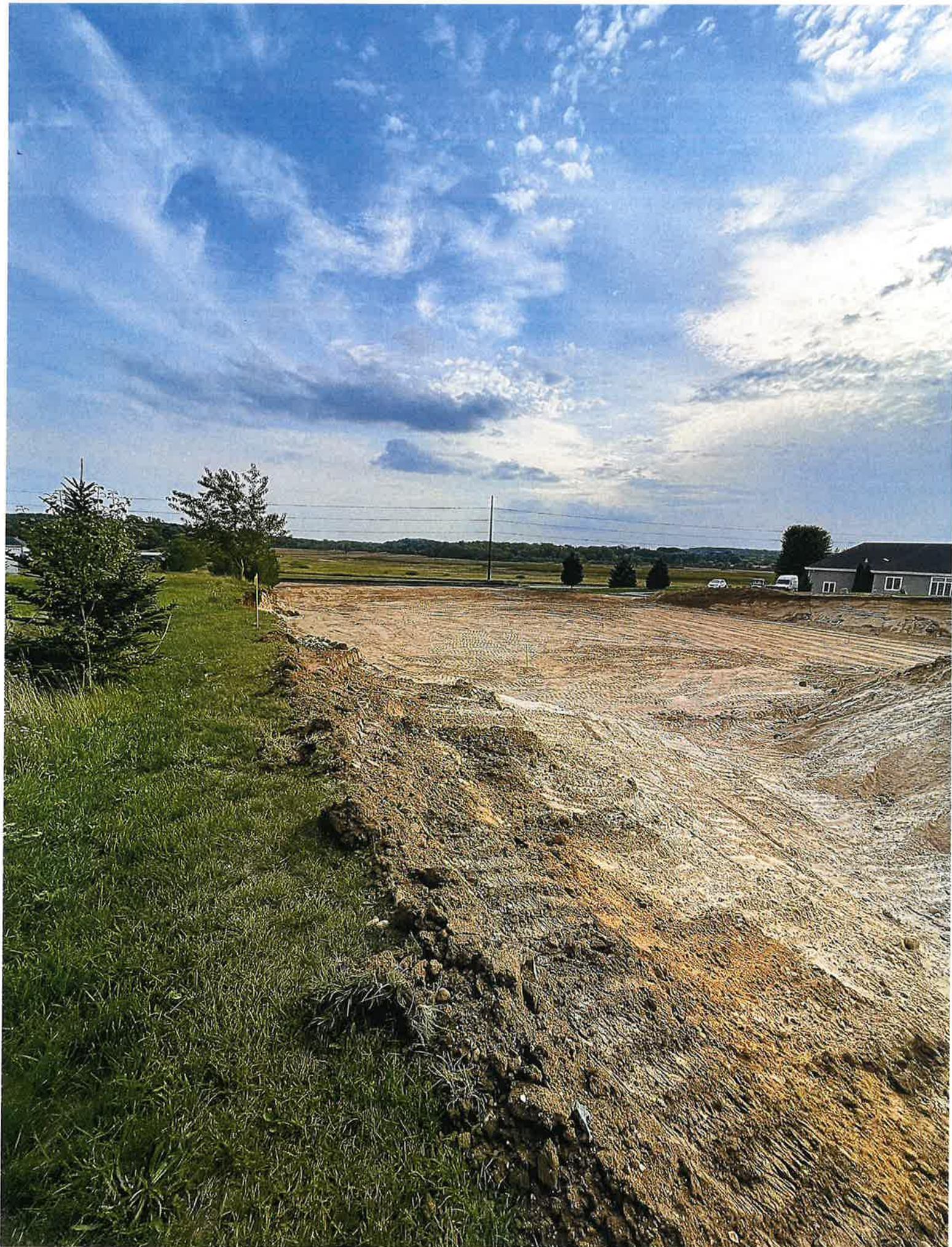




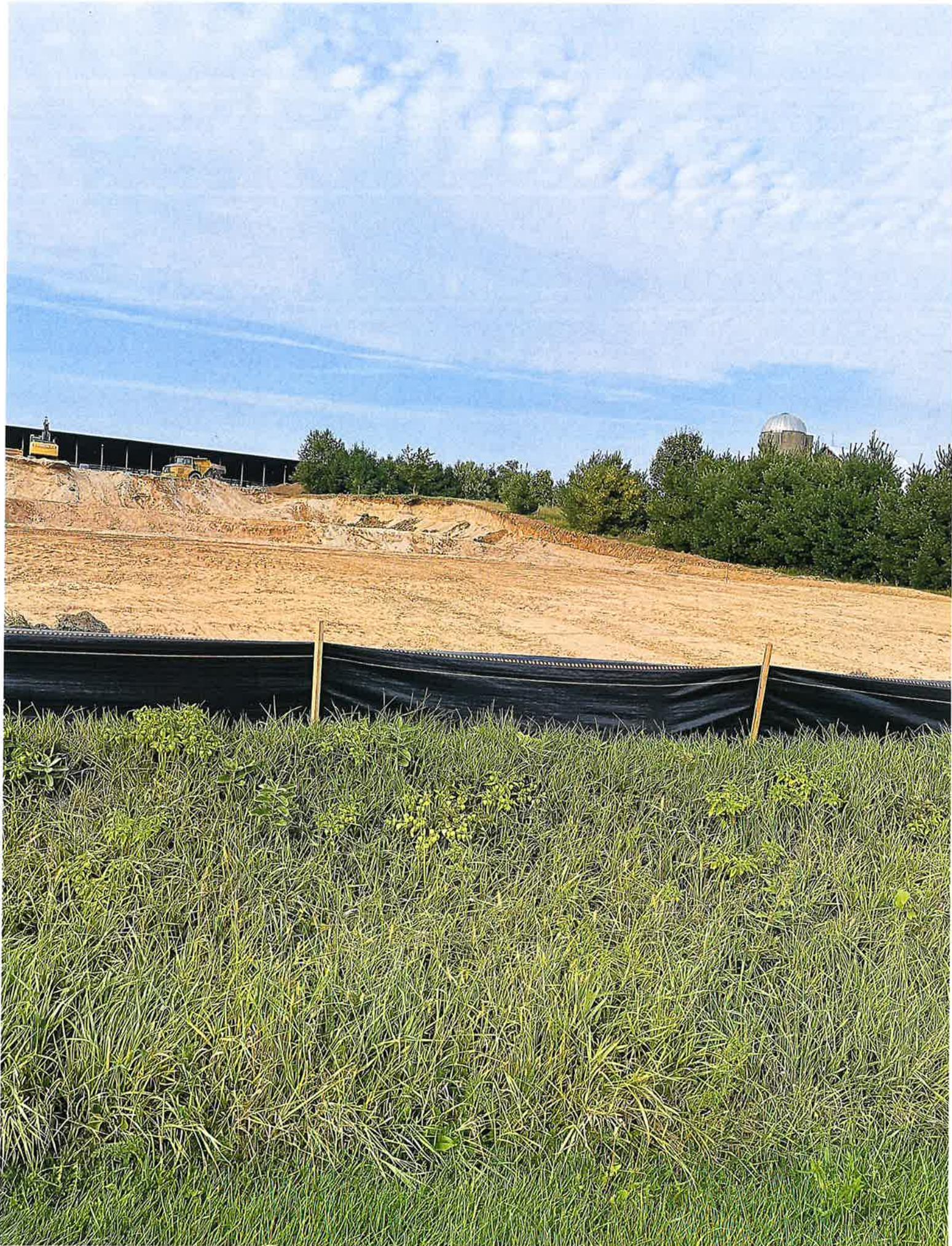




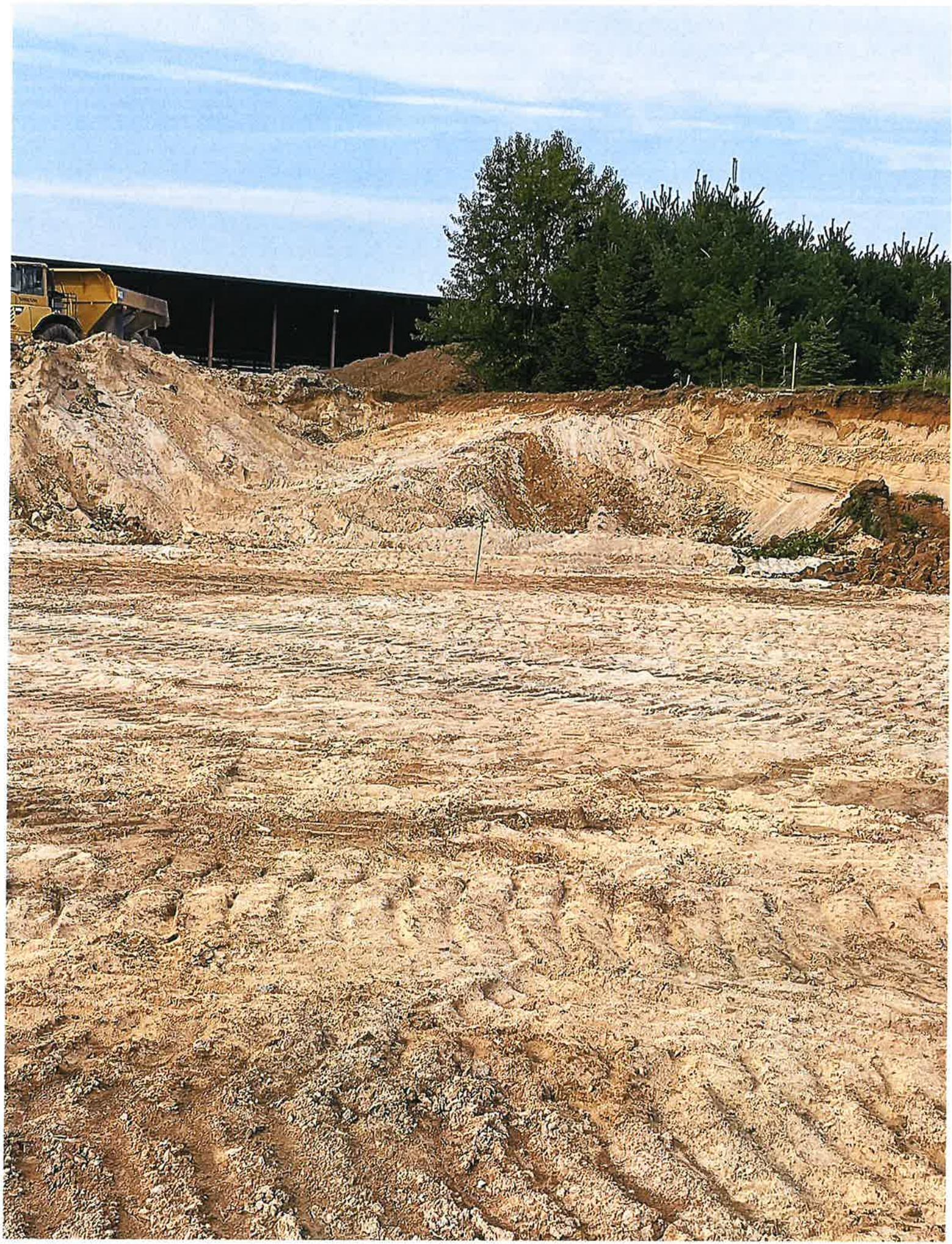














### SOIL EVALUATION REPORT

In accordance with SPS 385, Wis. Adm. Code

Attach complete site plan on paper not less than 8 1/2 x 11 inches in size. Plan must include, but not limited to: vertical and horizontal reference point (BM), direction and percent slope, scale or dimensions, north arrow, and location and distance to nearest road.

Please print all information.

Personal information you provide may be used for secondary purposes (Privacy Law, s. 15.04(1)(m)).

County <b>JEFFERSON</b>
Parcel I.D. 030-0813-2914-004 <b>030-0813-2914-004</b>
Reviewed by _____ Date _____

Property Owner <b>DUSTIN WILKE</b>				Property Location Govt. Lot <b>SE 1/4 NE 1/4 S 29 T 8 N R 13</b> <input checked="" type="checkbox"/> <input type="checkbox"/> E (or) W			
Property Owner's Mailing Address <b>N7836 Newville Road</b>				Site Address or CSM and Lot #: Off-Lot System to serve building on Parcel 030-0813-2941-004			
City <b>Waterloo</b>	State <b>WI</b>	Zip Code <b>53594</b>	Phone Number ( )	<input type="checkbox"/> City <b>WATERLOO</b>	<input type="checkbox"/> Village	<input checked="" type="checkbox"/> Town	Nearest Road <b>N7836 Newville Road</b>

<input checked="" type="checkbox"/> New Construction	Use: <input checked="" type="checkbox"/> Residential / Number of bedrooms <u>2</u>	Code derived designflow rate <u>300</u> GPD
<input type="checkbox"/> Replacement	<input type="checkbox"/> Public or commercial – Describe: _____	Flood Plan elevation if applicable <u>N/A</u> ft.
Parent material <u>Loess over Glacial Outwash</u>		
General comments and recommendations: <u>Install Conventional System as shown. Soil Loading Rate = 0.5. S.E.=89.0'</u>		

<b>1</b> Boring #	<input type="checkbox"/> Boring	<b>97.0</b>	<b>132</b>	<b>86.0</b>
	<input checked="" type="checkbox"/> Pit	Ground surface elev. _____ ft.	Depth to limiting factor _____ in. / elev. _____ ft.	

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2
1	0-12	10YR 3/2	none	sl fill	2mpr/bk	mfr	cs	2f	0.6	1.0
2	12-36	10YR 3/2	none	sl	2fgr	mvfr	cs	2f	0.6	1.0
3	36-70	7.5YR 4/4	none	scl	2msbk	mfr	cs	1f	0.4	0.6
4	70-132	10YR 6/4	none	s / fs *	0sg	ml			0.5	1.0
			*Horizon 4= sandy soil with stratified fine sand layers							

<b>2</b> Boring #	<input type="checkbox"/> Boring	<b>96.4</b>	<b>132</b>	<b>85.4</b>
	<input checked="" type="checkbox"/> Pit	Ground surface elev. _____ ft.	Depth to limiting factor _____ in. / elev. _____ ft.	

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2
1	0-24	10YR 3/2	none	sl fill	2mpr/bk	mfr	cs	2f	0.6	1.0
2	24-36	10YR 3/2	none	sl	2fgr	mvfr	cs	2f	0.6	1.0
3	36-80	7.5YR 4/4	none	scl	2msbk	mfr	cs	1f	0.4	0.6
4	80-132	10YR 6/4	none	s / fs *	0sg	ml			0.5	1.0
			*Horizon 4 =sandy soil with stratified fine sand layers							

CST Name (Please Print) Richard C. Herro, Rick Herro Soil Testing LLC	Signature <i>Richard C Herro</i>	CST Number 71536
Address 603 Dewey Avenue, Jefferson, WI 53549	Date Evaluation Conducted 9-18-2023	Telephone Number 920-650-6788. Email: rherro54@gmail.com

\* Effluent #1 = BOD > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

\* Effluent #2 = BOD, ≤ 30 mg/L and TSS ≤ 30 mg/L

Boring  
 Pit

Ground surface elev. 96.9 ft.

Depth to limiting factor 132 in. / elev. 85.9 ft.

**3**

Boring #

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2
1	0-12	10YR 3/2	none	sl	2fgr	mvfr	cs	2f	0.6	1.0
2	12-36	7.5YR 4/4	none	scl	2msbk	mfr	cs	1f	0.4	0.6
3	36-132	10YR 6/4	none	s / fs *	0sg	ml			0.5	1.0
			*Horizon 3 = sandy soil with stratified fine sand layers							

Boring #

Boring  
 Pit

Ground surface elev. \_\_\_\_\_ ft.

Depth to limiting factor \_\_\_\_\_ in. / elev. \_\_\_\_\_ ft.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2

Boring #

Boring  
 Pit

Ground surface elev. \_\_\_\_\_ ft.

Depth to limiting factor \_\_\_\_\_ in. / elev. \_\_\_\_\_ ft.

Horizon	Depth In.	Dominant Color Munsell	Redox Description Qu. Az. Cont. Color	Texture	Structure Gr. Sz. Sh.	Consistence	Boundary	Roots	Soil Application Rate	
									GPD/Ft <sup>2</sup>	
									*Eff#1	*Eff#2

\* Effluent #1 = BOD > 30 ≤ 220 mg/L and TSS > 30 ≤ 150 mg/L

\* Effluent #2 = BOD, ≤ 30 mg/L and TSS ≤ 30 mg/L



N7836 NEWVILLE RD WAT X

Show search results for N783...

STONEY

JK RD

PARCEL # 030-0813-2914-004

SECTION LINE

23-

14-4

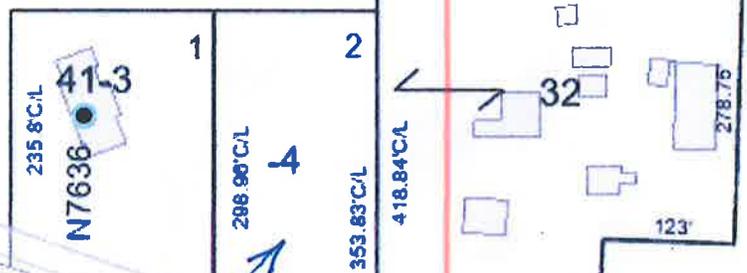
CATTLE BARN

B - BENCHMARK

OFF-LOT P.O. W.T.S. SITE

NEWVILLE ROAD

NORTH



PROPOSED BUILDING ON LOT 2

CSM # 4315-21-222

PARCEL # 030-0813-2941-004

Richard G Herro

RICHARD C. HERRO CST-171536

9-18-2023

41-1

200ft

CHECK BOX AS APPLICABLE.

# SOIL EVALUATION SITE MAP

PROJECT NAME:

DUSTIN WILKE / WILKES LLC

PROJECT ADDRESS:

NEWVILLE ROAD

BM Symbol: 

BM Elevation: 100.0 FT

BM Description:

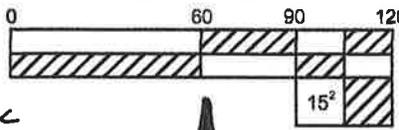
TOP OF CONCRETE WALL AT BARN

Slope Gradient (%)  
of Tested Area: 2%

AS SHOWN ON PAGE 5

Well Symbol (if applicable): 

Scale: 1" = 60'



Indicate north by drawing an arrow on the appropriate line.

CHECK BOX AS APPLICABLE.

# SYSTEM PLOT PLAN

PAGE 4 OF 5

DESIGN FLOW: 300 GPD

Attach design flow calculations for commercial plans.

Pipe Material / ASTM Standard (Tables 384.30-3 & 384.30-5)

Sanitary Sewer: 1

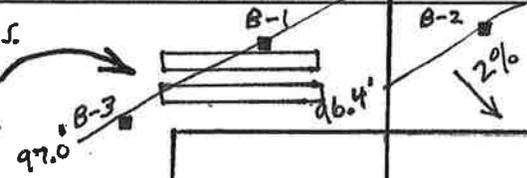
Force Main: 1

**IMPORTANT:**

Show ground elevation contours at suitable intervals.

PROPOSED OFF-LOT P.O.W.T.S.  
TO SERVE NEW BUILDING  
ON LOT 2

PARCEL # 030-0813-2914-004



LOT 1 - CSM # 4315-21-222

EXISTING HOUSE AT  
N 7836 NEWVILLE ROAD

56.7'

PROPOSED  
BUILDING

2-BEDROOMS

34.8'

34.8'

180'

80'

LOT 2 - CSM # 4315-21-222

75'

105'

LOT 3 - CSM # 4315-21-222

EXISTING BUILDINGS  
AT  
N 7822  
NEWVILLE  
ROAD

SECTION LINE

Richard C Herro

RICHARD C. HERRO CST-71536

9-18-2023

CHECK BOX AS APPLICABLE.

SOIL EVALUATION  
SITE MAP

PROJECT NAME:

DUSTIN WILKE / WILKES LLC

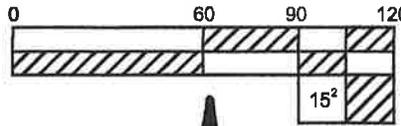
PROJECT ADDRESS: NEWVILLE ROAD

BM Symbol: BM Elevation: 100.0 FT

BM Description: TOP OF CONCRETE WALL

Slope Gradient (%) of Tested Area: 2% Well Symbol (if applicable):

Scale: 1" = 60'



Indicate north by drawing an arrow on the appropriate line.

CHECK BOX AS APPLICABLE.

SYSTEM  
PLOT PLAN

PAGE 5 OF 5

DESIGN FLOW: 300 GPD

Attach design flow calculations for commercial plans.

Pipe Material / ASTM Standard (Tables 384.30-3 & 384.30-5)

Sanitary Sewer: \_\_\_\_\_ / \_\_\_\_\_

Force Main: \_\_\_\_\_ / \_\_\_\_\_

**IMPORTANT:**

Show ground elevation contours at suitable intervals.

SECTION LINE

EXISTING 80' x 450'  
CATTLE BARN

24" TALL  
CONCRETE  
WALL

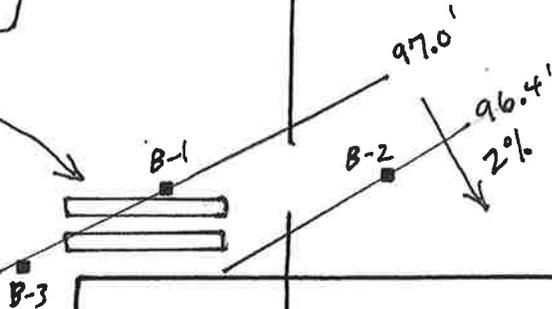
BENCHMARK: EL = 100.0'  
AT TOP OF CONCRETE WALL  
(24" ABOVE GROUND)

PARCEL # 030-0813-2914-004  
SE 1/4 NE 1/4 SECTION 29, T8N, R13E,  
TOWN OF WATERLOO

PROPOSED OFF-LOT DRAINFIELD

(2) 6' x 50' CONVENTIONAL  
SEEPAGE CELLS

SYSTEM ELEVATION = 89.0'



LOT 3  
CSM # 4315

LOT 1  
CSM # 4315

LOT 2  
CSM # 4315

PROPOSED  
BUILDING

SURVEY  
ROD

RICHARD C. HERRO  
CST-71536  
9-18-2023

# JEFFERSON COUNTY PRELIMINARY REVIEW FOR CERTIFIED SURVEY

A Redivision CSM No. 4149, located in the SE 1/4 of the NW & NE 1/4 & SE 1/4 of the SW 1/4 of Section 20, T8N, R15E, Town of Watertown, Jefferson County, Wisconsin, on Parcel Number 032-0815-2034-001 & 032-0815-2034-002

Owner: MICHAEL L YENSER  
REBECCA LYNN FRESON  
 Address: W4368 EBENEZER DR  
WATERTOWN, WI 53094  
 Phone: 920-988-6940

In addition to the info required by Sec. 236.34 of State Statutes, Sec. 15.04(1) of the Jefferson County Land Division/Ordinance requires that the following be shown:

Date Submitted: \_\_\_\_\_  
 Revised: \_\_\_\_\_

Surveyor: KW SURVEYING INC.  
 Address: P.O. BOX 32  
SULLIVAN, WI 53178  
 Phone: 262-593-5800

- Existing buildings, watercourses, drainage ditches and other features pertinent to the proper division.
- Location of access to a public road, approved by the agency having jurisdiction over the road.
- All lands reserved for future public acquisition.
- Date of the map.
- Graphic Scale.

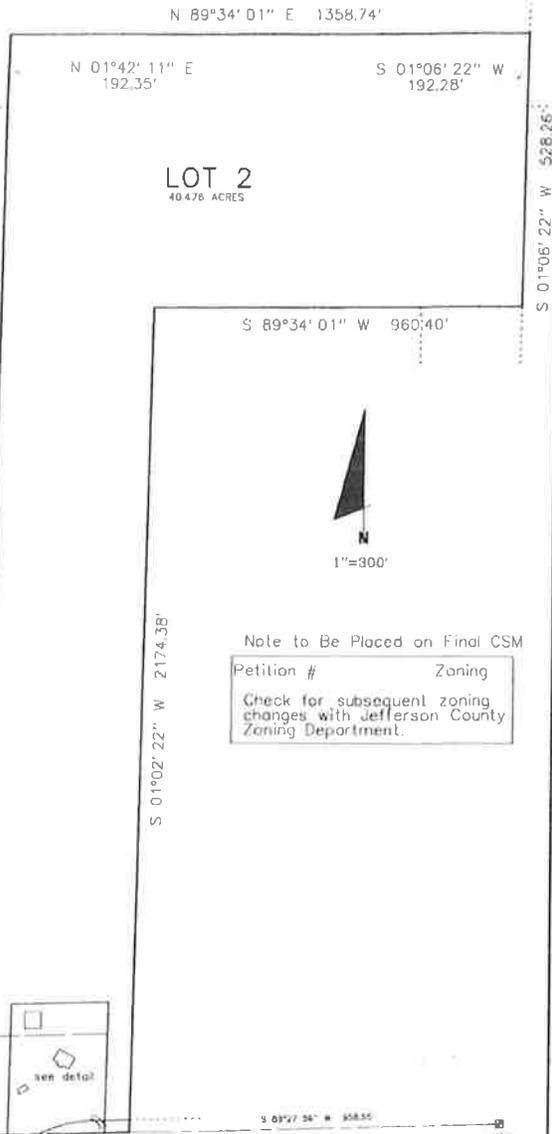
- Rezoning
- Allowed Division within Existing Zone
- Farm Consolidation in an existing A-1 Zone
- 35+ Acre Lot in A-1 Zone
- Survey of Existing Parcel

Intent and Description of Parcel to be Divided:

REVISE A-3 ZONED PARCEL LINE TO INCLUDE BUILDING ON A-3 ZONE AND MAINTAIN SAME AREA

## DETAIL

1"=300'



Note to Be Placed on Final CSM

Petition #	Zoning
Check for subsequent zoning changes with Jefferson County Zoning Department.	

**EBENEZER RD.**

Town Board Approval \_\_\_\_\_ Date: \_\_\_\_\_  
 (Includes Access Approval if Applicable)  
 County Highway Approval \_\_\_\_\_ Date: \_\_\_\_\_  
 (if Applicable)  
 Extraterritorial Approval \_\_\_\_\_ Date: \_\_\_\_\_  
 (if Applicable)  
 County Surveyor Approval \_\_\_\_\_ Date: \_\_\_\_\_  
 Zoning Office Approval \_\_\_\_\_ Date: \_\_\_\_\_

Please submit four copies to Jefferson County Zoning, Room 201, Courthouse, 230 S. Mon St. Jefferson Wisconsin 53548

JOB NO: 2190

DATED - 8/16/23

8/23/23

To Whom it may concern our wish is  
to Refigure our Residential Lot to Allow  
for an access Point for Farmers to get  
to the Farmland we wish to Sell. This will  
allow us to Add a shed into our Lot.



Michael L Jensen  
W4368 Ebenezer Drive  
Watertown WI 53094

920-988-6940

September 21, 2023

Need to update section references

## CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL ORDINANCE

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

### TABLE OF CONTENTS

#### 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 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 or river;
- 2. Any land disturbing activity equal to or greater than 2,000 square feet, except as provided in sub. (3) Exemptions. This subsection 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; of

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 the 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 S. 055 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 the 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 S. 10\*.
- (2) EROSION AND SEDIMENT CONTROL PLAN. A written site-specific erosion and sediment control plan shall be developed in accordance with S. 10\* 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 S. 08\* (2).
  - (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 S. 10\* (3) 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 S. 07\* or S. 08\*.
  - (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 S. 07\*, S. 08\* 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 Planning and Zoning Director 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 S. 13\* (3).

(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 .

Approved:

Attested:

Published on [day, month, and year].

# POST-CONSTRUCTION STORM WATER MANAGEMENT ORDINANCE

September 21, 2023

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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 sec. 4.809.

- 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 the 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 road side 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 S. 055 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 S. 09 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. 2. The design shall be based on an average annual rainfall, as compared to no runoff management controls.

<b>Table 1. TSS Reduction Standards</b>
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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 S. 07 (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 S. 07 (4)(c)6.:

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 S. 07 (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:

<b>Source Area</b>	<b>Separation Distance</b>	<b>Soil Characteristics</b>
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. 6. 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. 3. and 4. limit or restrict the use of infiltration practices, the performance standard of S. 07 (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. 4.
- 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 S. 07 (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 [administering authority] a permit application on a form provided by the [administering authority] 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 S. 07 and S. 09, the maintenance agreement shall be prepared to meet the requirements of S. 10, the financial guarantee shall meet the requirements of S. 11, and fees shall be those established by the Jefferson County Board of Supervisors as set forth in S. 12.
- (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 S. 14.
- (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 [number] 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 S. 11.
  - (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 S. 13, 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 s. 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 S. 07 (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 S. 07.
  - (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 Jefferson County 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 S. 11 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 XX day of Month, Year.

**DRAFT - EROSION CONTROL AND STORMWATER MANAGEMENT FEE SCHEDULE**

**Erosion Control**

	<b>STANDARD</b>	<b>SHORELAND*</b>	Estimated Revenue	
			150 Permits	200 Permits
			Assume \$125 average	Assume \$175 average
Less than 500 sq. ft.	50 or 75	100		
501 sq. ft. to 1,000 sq. ft.	125	175	\$18,750	\$35,000
1,000 sq. ft. or more	150 + \$0.007 per sq. ft.	250 + \$0.007 per sq. ft.		
Base Fee	\$ 150.00	\$ 250.00	\$22,500	\$50,000
include per sq. ft. fee?				
Fee based on structure or grading?				
Commercial/Industrial/Business				
Less than 4,000 sq. ft.	\$ 200.00	\$ 300.00		
More than 4,000 sq. ft. (base fee plus \$0.007)	\$ 250.00	\$ 350.00		
Linear Disturbances				
Less than 300'	150			
300' to 1,000'	250			
More than 1,000'	350			

**Stormwater Management**

Base Fee 300  
 Sq. Ft of new impervious area 0.007 per sq. ft.

## Erosion Control and Stormwater Permitting Fee Notes

### Erosion Control:

- 2022 Zoning Permits:
  - Total of 588 permits issued
  - Estimated number of zoning permits requiring Town UDC Permit:
    - 71 – new single family homes
    - 368 – (sheds, decks, gazebo, additions to single family homes)
      - Unknown if Town UDC permit is required. Most Town's require a permit based on the size of the project. Assume 50% require a permit
      - 184 – Assume 100 – 200 would require County EC permit
  - Potential Erosion Control Permits:
    - **Estimate: 150 – 200 permits (equal appx. 1/3 of total zoning permits)**
  - Rock County: with similar exemptions
    - 175 average permits issued per year
    - 0.5 FTE
  - Walworth: without exemptions
    - 178 erosion control for 1 and 2 family homes
    - 307 permits for small site land disturbance
    - 11 storm water management permits
    - 36 large site permits (over 1 acre)
    - 521 average permits issued per year
    - 0.7 FTE but transitioning to split over multiple employees

### Stormwater Ordinance:

- Minimal amount of permits per year (1)

### Fees:

- Permit Fees – see attached
  - Divided based on shoreland or non-shoreland
  - Base fee, plus per sq. fee
- **Estimate 0.4-0.6 FTE position**, mainly due to Erosion Control
  - This estimate is hard to determine and will fluctuate with the year. If ordinances are implement, we will have a better understanding as we work through the implementation
  - Site Inspections: the number of site inspections required for each permit will impact the FTE allowance

### Revenue Sources:

- 1.0 FTE approximately \$95,000-\$100,000
- Potential revenue sources
  - *Septic Maintenance tax or fee*
    - Charge per septic system
    - Estimated number of septic systems: 10,130

- $10,130 \times \$5$  (\$5/year or \$15/3 year) = \$50,650
- $10,130 \times \$7.5$  (\$7.50/year or \$22.50/3 year) = \$75,975
- $10,130 \times \$10$  (\$10/year or \$30/3 year) = \$101,300
- *Agent Status for POWTS Permits*
  - 0.2 FTE estimate to implement
  - Assuming \$250 per permit x 70 permits = \$17,500
  - If \$300 = \$21,000
  - Fee is additional to current County fee (\$575)
  - Potentially \$875 for a mound or atgrade