

ORDINANCE NO.

AMENDING CHAPTER 26, ARTICLE II OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATED TO CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL AND CONSERVATION STANDARDS FOR VEGETATION REMOVAL, POND CONSTRUCTION AND RETAINING WALL CONSTRUCTION.

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

1 **Part I. That the title for Article II of Chapter 26, of the Walworth County Code of Ordinances**
2 **is hereby amended to read as follows (additions are shown in bold and underlined; deletions**
3 **are shown in strike-through text)**

4 ~~ARTICLE II. —LAND DISTURBANCE, CONSTRUCTION SITE EROSION AND SEDIMENT~~
5 ~~CONTROL AND CONSERVATION STANDARDS FOR VEGETATION REMOVAL, POND~~
6 ~~CONSTRUCTION AND RETAINING WALL CONSTRUCTION.~~

7
8 **CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL AND WALWORTH**
9 **COUNTY CONSERVATION STANDARDS.**

10
11 **Part II. That Divisions 1 through 5 for Article II of Chapter 26 of the Walworth County Code**
12 **of Ordinances are hereby amended to read as follows, (additions are shown in bold and**
13 **underlined; deletions are shown in strike through text.)**

14
15 DIVISION 1. - GENERALLY

16 **Sec. 26-31.** - Title.

17
18 ~~This article shall be known and may be cited as the "Construction Site Erosion and Sediment~~
19 ~~Control, Conservation Standards for Vegetation Removal, Pond Construction, Retaining Wall~~
20 ~~Construction Ordinance."~~

21
22 **This ordinance shall be known and may be cited as the "Construction Site Erosion and**
23 **Sediment Control and Walworth County Conservation Standards Ordinance".**

24
25
26 **Sec. 26-32.** - Authority.

27 (a) This ~~article~~ **ordinance** is adopted by the Walworth County Board of Supervisors under the
28 authority granted by ~~Wis. Stats. §§59.693, 59.693,~~ **59.70**, 92.07(15), 401.1205, and 236.45, ~~of~~
29 ~~Wis. Stats.~~ and to fulfill the objectives of Wis. Stats. ~~ch.~~ §281. Furthermore, the ~~county~~
30 **Walworth County Board of Supervisors** is adopting this **ordinance under the authority**
31 pursuant to §401.120 of the Wisconsin Statutes. ~~Wis. Stats. §101.1206,~~ **Wis. Stats. §101.1206**, for the construction of
32 public buildings and buildings that are places of employment.

- 1 (b) The provisions of this ordinance are deemed not to limit any other lawful regulatory powers of
2 the ~~same governing body~~ **Walworth County Board of Supervisors.**
- 3 (c) The ~~county board of supervisors~~ **Walworth County Board of Supervisors** hereby designates
4 the ~~county land conservation division~~ **Walworth County Land Conservation Division, a**
5 **division within the Walworth County Land Use and Resource Management Department,**
6 **as the administrative authority,** to administer and enforce the provisions of this ordinance.
- 7 (d) The requirements of this ~~article~~ **ordinance** do not pre-empt more stringent erosion and sediment
8 control requirements that may be imposed by any of the following:
- 9 (1) The ~~state department of natural resources~~ **Wisconsin Department of Natural Resources**
10 administrative rules, permits, or approvals, including those authorized under Wis. Stats. §§
11 281.16 and 283.33.
- 12 (2) Targeted non-agricultural performance standards promulgated in rules by the ~~state~~
13 ~~department of natural resources~~ **Wisconsin Department of Natural Resources authorized**
14 under **chapter** NR 151.004, Wis. Adm. Code.
- 15 **(3) Wisconsin Department of Safety and Professional Services, administrative rules,**
16 **authorized under Wis. Stats. §101.1206 or rules promulgated under chapter SPS 360,**
17 **Wis. Adm. Code.**

18
19 Sec. 26-33. - Findings of fact.
20

- 21 (a) The ~~county~~ **Walworth County Board of Supervisors** finds that **erosion** and uncontrolled
22 runoff from land disturbing activities, construction sites and other manmade changes of the land
23 surface carries a significant amount of sediment and other pollutants to the waters of the state
24 ~~this in Walworth county~~ **County** ~~and this the state.~~ In addition, land disturbing activities not
25 complying with county conservation standards can have a significant impact on the value and
26 functions of wetlands, woodlands, water bodies and other county natural and environmental
27 resources. Specifically, uncontrolled soil erosion, **sediment discharge** and storm water runoff
28 can:
- 29 (1) Degrade physical stream habitat by increasing stream bank erosion, increasing stream bed
30 scour, diminishing groundwater recharge, diminishing stream base flows and increasing
31 stream temperatures.
- 32 (2) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and
33 water supply uses by increasing pollutant loadings of sediment, suspended solids, nutrients,
34 heavy metals, bacteria, pathogens and other urban pollutants.
- 35 (3) Alter wetland communities by changing wetland hydrology and increasing pollutant loads.
- 36 (4) Reduce the quality of groundwater by increasing pollutant loading.
- 37 (5) Threaten public health, safety, property, and general welfare by increasing runoff volumes
38 and peak flood flows and overburdening storm sewers, drainage ways and other storm
39 drainage systems.
- 40 (6) Undermine floodplain management efforts by increasing the incidence and levels of
41 flooding and sedimentation.

1 (7) Generate airborne particulate concentrations that are health threatening or may cause other
2 damage to property or the environment.

3 (b) The county finds that pond construction, not complying with county conservation **standards**
4 can have a significant adverse impact on the environmental resources in ~~the county~~ **Walworth**
5 **County**.

6 (c) The county finds that vegetation removal in shorelands can result in erosion and generate
7 sediment that can be transported to waters and wetlands of the county. Furthermore, the loss of
8 vegetation near wetlands and waters of the state can result in the loss of habitat for wildlife and
9 natural scenic beauty.

10 (d) The county finds that the construction of retaining walls and other structures within the
11 shoreyard setback area must be consistent with state and county shoreland zoning standards,
12 contained in **chapter** NR 115 of the Wis. Adm. Code and ~~chapter~~ **Chapter** 74 of the **Walworth**
13 County Code of Ordinances, respectively.

14 **(e) The county finds that structural and non-structural conservation practices and storm water**
15 **management practices, complying with Walworth County conservation standards, can**
16 **serve to filter and capture rainfall and runoff from impervious surfaces, improve scenic**
17 **beauty, and provide habitat for wildlife. Furthermore, conservation practices and storm**
18 **water management practices consistent with county conservation standards, can assist or**
19 **insure landowners comply with Walworth County Shoreland Zoning Standards, contained**
20 **in Chapter 74 of the Walworth County Code of Ordinances, and chapter NR 115, Wisc.**
21 **Adm. Code.**

22 **(f) The county finds that permeable surfaces, complying with Walworth County conservation**
23 **standards serve to reduce storm water pollution and runoff volumes, promote storm**
24 **water infiltration, groundwater recharge and stream base flow preservation.**
25 **Furthermore, establishing permeable surface, can assist and insure landowners comply**
26 **with the Walworth County Shoreland Zoning Standards for impervious surfaces,**
27 **contained in Chapter 74 of the Walworth County Code of Ordinances and chapter NR**
28 **115, Wisc. Adm. Code.**

29 Sec. 26-34. - Purpose and intent.
30

31 (a) *Purpose.* **The purpose of this ordinance is to exercise jurisdiction on the issue of**
32 **construction site erosion and sediment control and establish performance standards for**
33 **construction, land development and land disturbing activities in order to promote public**
34 **health, safety, and welfare of Walworth County and to:**

35 (1) ~~It is the purpose of this article to preserve~~ **Preserve** the natural resources of the county
36 **Walworth County**; to protect the quality of the waters of ~~the county~~ **Walworth County**
37 and the state; to protect spawning grounds, wetlands, woodlands, and steep slopes; to
38 control building sites and the placement of structures; **and** to preserve ground cover and
39 scenic beauty; ~~and to protect and promote the health, safety and welfare of the people, to~~
40 the extent practicable.

41 (2) ~~These goals The purpose of this or shall be accomplished by insuring~~ **Insure** land
42 disturbing activities are consistent with **Walworth County** county conservation standards
43 and ~~minimizing~~ **minimize** the amount of sediment and other pollutants carried by runoff ~~or~~
44 ~~discharged~~ from land disturbing activities and construction sites **and discharged** to lakes,

1 streams, channels, ditches, ponds, wetlands and other watercourses of the county and by
2 preventing prevent sediment deposition and flooding on adjacent lands.

3 **(3) Establish conservation standards for planning, design, installation and maintenance of**
4 **erosion and sediment control practices, ponds, retaining walls, vegetation**
5 **management, vegetated buffers, permeable surfaces and mitigation practices for**
6 **impervious surfaces.**

7 (b) *Intent.* It is the intent of this article to establish Walworth County county conservation
8 standards, plan and permit requirements and procedures for land disturbing and land developing
9 activities to minimize the amount of sediment and other pollutants carried in runoff or
10 discharged to waters of the state in the county Walworth County or to adjacent properties.

11 This ~~article~~ **ordinance** is intended to meet the following construction site **erosion** and sediment
12 ~~erosion~~ control regulatory requirements:

13 (1) Subchapter III of NR 151, of the Wisconsin Administrative Code, Construction Site
14 Performance Standards for New Development.

15 (2) ~~Chapter~~ NR 216 of the ~~Wis.~~ Wisconsin Administrative Code.

16 (3) Chapter ~~comm.~~ **SPS 360** of the Wisconsin Administrative Code.

17 (4) ~~Chapter~~ NR 115, of the Wisconsin Administrative Code, Wisconsin's Shoreland
18 Management Program.

19 ~~(6c)~~, **This ordinance is intended to establish a permit process to exercise regulatory authority**
20 **contained in SPS 360 of the Wis. Admin. Code on the issue of construction site erosion and**
21 **sediment control during the construction of buildings and structures serving as public**
22 **buildings and places of employment places.**

23 ~~(5d)~~ This ~~article~~ **ordinance** is intended to establish **insure the application of county** conservation
24 standards, plan and permit requirements and procedures for vegetation ~~removal~~ **management,**
25 ~~and~~ the construction of ponds and retaining walls, **the establishment of permeable surfaces**
26 **and mitigation and treatment practices for impervious surfaces,** when required to meet
27 county conservation standards in the following Walworth County Ordinances:

28 (1) Chapter 74 of the Walworth County Code of Ordinances.

29 (2) Chapter 58 of the Walworth County Code of Ordinances.

30
31 **Section 26-35. Jurisdiction, applicability and exemptions.**

32 **(a) Jurisdiction.**

33 ~~(1) This article applies to land developing and land disturbing activities on lands situated~~
34 ~~within the boundaries of county unincorporated areas and if authorized, in cities and~~
35 ~~villages under an intergovernmental agreement, pursuant to Wis. Stats. § 66.0301, approved~~
36 ~~by a village or city and the county.~~

37 **(1) This ordinance applies to lands land disturbing activities situated within the boundaries**
38 **and jurisdiction of Walworth County in the unincorporated areas, unless a town board**
39 **exercises its authority, pursuant to Wis. Stats. §60.627, to regulate construction site erosion**
40 **and sediment control by:**

41

1 **a. Adopting an ordinance that complies with the minimum standards established by**
2 **the Wisconsin Department of Natural Resources and is at least as restrictive as this**
3 **ordinance, as determined by the Walworth County Land Conservation Division; and**
4

5 **b. Providing reasonable notice to the Walworth County Land Use and Resource**
6 **Management Department of the effective date of the town ordinance and names and**
7 **contact information for enforcement of the town ordinance.**
8

9 (2) Newly annexed areas. If any area within the jurisdiction described in (1) above is annexed
10 by a city or village after May 5, 1992, the provisions of this ~~article~~ **ordinance** shall
11 continue in effect and shall be enforced after annexation by the annexing city or village
12 unless any of the following occurs:

- 13 a. The city or village enacts, administers and enforces an ordinance for the annexed areas
14 that complies with the minimum standards established by the ~~state department of~~
15 ~~natural resources~~ **Wisconsin Department of Natural Resources** and is at least as
16 restrictive as this ordinance, as determined by the ~~county land conservation division~~
17 **Walworth County Land Conservation Division**; or
18 b. After annexation, the city or village requests that this ordinance as it applies to the
19 annexed area, continues to be in effect and is enforced by the ~~county land conservation~~
20 ~~division~~ **Walworth County Land Conservation Division.** ~~and the county land~~
21 ~~conservation division agrees to enforce the ordinance.~~

22 (3) **This ordinance applies in cities and villages, if authorized, under an**
23 **intergovernmental agreement, pursuant to Wis. Stats. §66.0301, approved by a village**
24 **or city and Walworth County.**
25

26 (b) Applicability. Unless otherwise exempted under sub ~~(b)~~ **c)**, this ~~article~~ **ordinance** shall apply to
27 the following activities:

- 28 (1) Any construction, including but not limited to buildings, public buildings and buildings that
29 are places of employment, communication towers, carports, ponds and pools, as well as
30 erection or construction of any other structures.
31 (2) Those involving grading, removal of protective ground cover or vegetation, excavations,
32 land filling, demolition, or other land disturbing construction activities affecting a surface
33 area of 4,000 square feet.
34 (3) Those involving excavation or filling or a combination of excavation and filling affecting
35 400 cubic yards or more of soil, sand or other excavation or fill material, including, but not
36 limited to non-metallic mining sites or spoil spreading sites.
37 (4) Those involving public or private streets, highways, airstrips, driveways, roads, bridge
38 construction, including but not limited to original construction, enlargement, relocation or
39 reconstruction.
40 (5) Those involving the laying, repairing, replacing or enlarging of an underground pipe,
41 utilities or facilities, or the disturbance of a road ditch, grass channel or other open channel
42 for a distance of 300 linear feet or more of the total plan of construction.

1 (6) Those involving grading, removal of protective ground cover or vegetation, excavation,
2 land filling or land disturbing **construction** activities within 1,000 feet of a lake, or within
3 300 feet from any navigable waterway, **including construction for a one-and two family**
4 **dwelling.**

5 (7) Vegetation removal activities regulated by the **Walworth** County Zoning Division,
6 pursuant to chapter 74 of the **Walworth** County Code of Ordinances.

7 (8) Retaining wall construction activities regulated by the county zoning division, pursuant to
8 chapter 74-467 of the **Walworth** County Code of Ordinances.

9 **(9) Establishment of permeable surfaces, vegetated buffers and other practices approved**
10 **by the Walworth County Zoning Division to comply with the shoreland mitigation and**
11 **treated impervious surfaces provisions contained in the Walworth County Shoreland**
12 **Zoning Ordinance.**

13 **(10)** Notwithstanding the applicability requirements in this subsection, the construction site
14 erosion and sediment control performance standards applies to land disturbing activities or
15 construction sites of any size that, in the opinion of the ~~county land conservation division~~
16 **Walworth County Land Conservation Division** staff, are likely to result in runoff that
17 exceeds the safe capacity of the existing drainage facilities or receiving body of water, that
18 causes undue channel erosion, that increases water pollution by scouring or the
19 transportation of particulate matter or endangers property or public safety.

20 (c) Exemptions. The land disturbing construction site erosion and sediment control provisions of
21 this ~~article~~ **ordinance** do not apply to the following:

22 (1) **Land disturbing activities directly resulting from** Pplowing, planting, cultivating or
23 harvesting of sod, trees, nursery stock, and any plant grown for human or livestock
24 consumption or pasturing or yarding of livestock.

25 (2) Land disturbing activities directly related to the installation and maintenance of private on-
26 site waste disposal systems, regulated under chapter 70 of the County Code of Ordinances,
27 if conducted according to county conservation standards.

28 (3) Land disturbing activities conducted for a project designed, funded or implemented under
29 the supervision of the ~~county land conservation division~~ **Walworth County Land**
30 **Conservation Division**, the USDA Natural Resources Conservation Service, U.S.
31 Department of Interior, Fish and Wildlife Services, the State of Wisconsin Department of
32 Natural Resources, or the ~~WI~~ **Wisconsin** Department of Agricultural Trade and Consumer
33 Protection, if conducted according to county conservation standards.

34 (4) Land disturbing activities conducted, or contracted by, any state agency, as defined under
35 Wis. Stats. § 227.01(1) or under a memorandum of understanding entered into under Wis.
36 Stats. §281.33(2). The ~~county land conservation division~~ **Walworth County Land**
37 **Conservation Division** may require documentation of the person(s) and regulatory agency
38 charged with enforcing construction site erosion control.

39 (5) Land disturbing activities ~~that include~~ **for** the construction of a one and two-family
40 building, **within the non-shoreland and non-floodplain areas of Walworth County and**
41 **do not result in more than one acre of land disturbed. Construction of one and two-**
42 **family dwellings in the non-shoreland and non-floodplain areas** are regulated under
43 ~~article III~~, chapter 26, **Article III**, of the **Walworth** County Code of Ordinances.

- 1 (6) Land disturbing activities conducted by a federal agency entitled to immunity from
2 local regulations, pursuant to the US Constitution, Article VI. Cl.2.
- 3 (7) Land disturbing activities associated with transportation facilities, except
4 transportation facility construction projects that are part of a larger common plan of
5 development, such as local roads within a residential or industrial development. This
6 includes Walworth County highway right-of-way projects, where the state of
7 Wisconsin has assumed all erosion and sediment control responsibilities during the
8 planning and construction phases through a written agreement.

9 To recognize an exemption to this ordinance, under this paragraph, the Walworth
10 County Land Conservation Division may require documentation of the person(s) or
11 the regulatory agency charged with enforcing the erosion and sediment control plan
12 for the transportation project and verification of compliance with applicable
13 construction site erosion and sediment control performance standards.

14
15
16 Sec. 26-36. - Adoption of state law.
17

18 (a) The following Wisconsin Administrative Codes are hereby adopted and by reference, made a
19 part of this ~~article~~ ordinance:

20 ~~(1) Chapter comm. 61, Administration and Enforcement.~~

21 ~~(2) Chapter SPS 360, Erosion Control, Sediment Control and Storm Water Management.~~

22 **(2) NR 151 Subchapter III, Non-Agricultural Performance Standards.**

23 ~~(3) Chapter NR 151.11, Construction Site Performance Standards for New Development and~~
24 ~~Re-development.~~

25 ~~(4) Chapter NR 151.12, Post-construction Performance Standards for New Development and~~
26 ~~Re-development.~~

27 (b) Any future amendments and revisions of these codes are also made a part of this ~~article~~
28 ordinance. A copy of these codes shall be kept on file in the County Land Conservation
29 Division Office.

30 Sec. 26-37. - Appeals.

31 (a) The ~~county board of adjustment~~ **Walworth County Board of Adjustment** created pursuant to
32 Wis. Stats. §59.694, and acting in accordance with Wis. Stats. §§ 62.23(7)(e) and 68.11, and
33 chapter 74 of the **Walworth** County Code of Ordinances shall hear and decide appeals where it
34 is alleged that there is error in an order, decision or determination made by the ~~county land~~
35 ~~conservation division~~ **Walworth County Land Conservation Division** in administering this
36 ~~article~~ ordinance. Upon appeal, the board may authorize variances from the provisions of this
37 ~~article~~ ordinance that are not contrary to the public interest, and where owing to special
38 conditions a literal enforcement of the ~~article~~ ordinance will result in unnecessary hardship.

39 (b) Who may ~~appear~~ appeal. Appeals to the **Walworth County** Board of Adjustment may be taken
40 by any aggrieved person or any office or department of the county affected by any decision of
41 the ~~county land conservation division~~ **Walworth County Land Conservation Division**.

1 Sec. 26-38. - Severability.

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

5
6 Sec. 26-39. - Definitions and phrases.

7 The following words, terms and phrases, when used in this ~~article~~ **ordinance**, shall have the
8 meanings ascribed to them in this section, except where the context clearly indicates a different
9 meaning.

10 **Administrative authority: An employee of Walworth County, empowered under Wis.**
11 **Stats. §§59.963 or 92.07(15) and designated by the Walworth County Board of Supervisors to**
12 **administer this ordinance.**

13 *Agricultural land use:* **Has the meaning defined in Wis. Stats. §§ 91.01 and 92.10 and any**
14 **other the use the Wisconsin Department of Agriculture, Trade and Consumer Protection**
15 **identifies through the adoption of a Wisconsin Administrative Rule.** Beekeeping; commercial
16 feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management;
17 grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of
18 grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in
19 federal programs in return for payments in kind; ~~owning land, at least 35 acres of which is enrolled~~
20 ~~in the conservation reserve program under 16 USC 3831 to 3836 or lands that are part of other state~~
21 ~~and federal conservation programs; participating in the milk production termination program under 7~~
22 ~~USC 1446 (d); and vegetable raising. (Wis. Stats. §§ 91.01, 92.10).~~

23 *Applicant:* ~~The landowner or responsible party or one of the landowners and/or land users of a~~
24 ~~site subject to this article.~~ **A person or entity applying for a permit, subject to this ordinance,**
25 **shall be the landowner, holding fee title in the parcel as defined below:**

26 **1. An individual person;**

27
28 **2. A principal executive officer of a corporation;**

29
30 **3. A member or manager of a limited liability company;**

31
32 **4. The general partner in a partnership;**

33
34 **5. A principal executive officer, ranking elected official or other duly authorized representative**
35 **of a unit of government.**

36
37 *Average annual rainfall:* A **typical** calendar year of precipitation, excluding snow. ~~which is~~
38 ~~considered typical.~~

39 *Best management practices or BMPs:* Structural or non-structural measures, practices,
40 techniques, or devices, ~~employed to avoid or minimize soil, sediment or pollutants carried in runoff~~
41 ~~to waters of the state.~~ **determined to be effective means of preventing or reducing pollutants in**
42 **surface water generated from construction sites.**

43 **Cease and Desist Order: A court-issued order to halt land disturbing construction activities**
44 **that are being conducted without a required permit, or are found to be in non-compliance with**

1 **a permit issued by the Walworth County Land Conservation Division or a provision of this**
2 **ordinance.**

3 **Certified soil erosion control inspector: Means a person certified by the Department of**
4 **Safety and Professional Services to engage in the administration of this ordinance.**

5 *Clean fill:* Uncontaminated soil, brick, building stone, concrete, reinforced concrete, broken
6 pavement and unpainted or untreated wood.

7 *Clearing:* Any activity that removes vegetative cover.

8 *Construction site:* An area upon which one or more land disturbing construction activities
9 occur, including areas that are part of a larger common plan of development or sale where multiple
10 separate and distinct land disturbing activities may be taking place at different times on different
11 schedules but under one plan.

12 *County conservation standards:* Those applicable design criteria, standards and specifications
13 for conservation practices used by ~~county land conservation division~~ **the Walworth County Land**
14 **Conservation Division.** Conservation practice standards establish the minimum level of acceptable
15 quality for planning and site assessment, performance expectations, design and installation
16 parameters, and the operation and maintenance needs of conservation practices. Conservation
17 practice standards include those contained in:

- 18 (1) Subchapter V of ch. NR 151, Wis. Adm. Code;
- 19 (2) Section IV of the Field Office Technical Guide, Technical Notes and Field Office Manuals
20 published by the USDA Natural Resource Conservation Service;
- 21 (3) **Program guidance or** other technical standards and specifications adopted by the State
22 **Standards Oversight Council, the Wisconsin Department of Natural Resources, the**
23 **Department of Safety and Professional Services,** ~~other state or local agencies or~~
24 ~~organizations,~~ the Wisconsin Department of Transportation, the University of Wisconsin
25 Cooperative Extension Service, the Southeastern Wisconsin Regional Planning
26 Commission or federal, state or local agencies ~~or the Center for Watershed Protection and~~
27 approved by the ~~county land conservation division~~ **Walworth County Land Conservation**
28 **Division.**

29 *County ~~land conservation division~~ **Land Conservation Division:*** The county office
30 responsible for enforcing and administering this ~~article~~ **ordinance** or designated representative of
31 the ~~land conservation committee~~ **Walworth County Land Conservation Committee,** pursuant to
32 ~~Wis. Stats. § 92.06(2)~~ **of the Wisconsin Statutes.**

33 *County ~~land conservation division~~ staff:* **Land Conservation Division** staff: An employee or
34 employees of the ~~county~~ **Walworth County** whose responsibilities include enforcement of the terms
35 and conditions of this ~~article~~ **ordinance.**

36 *County ~~zoning agency committee:~~ **Zoning Agency Committee:*** **The** committee created by the
37 ~~county board of supervisors~~ **Walworth County Board of Supervisors** under Wis. Stats. § 59.69 to
38 act in the matters pertaining to county land use planning and zoning.

39 *County Zoning Division:* The county office responsible for enforcing and administering the
40 county zoning ordinances and other land use ordinances of the county.

41 *Design storm:* ~~A hypothetical discrete rainstorm characterized by a specified duration, temporal~~
42 ~~distribution, rainfall intensity, return frequency and total depth of rainfall, (i.e., once every two, ten~~

1 or 100 years, for frequency; within 24 hours, for duration.) The county rainfall depths for design
 2 storms are contained in the Field Office Technical Guide, (FOTG) published by the USDA Natural
 3 Resources Conservation Service.

Design Storm	1-year 24-hour	2-year 24-hour	10-year 24-hour	100-year 24-hour
Rainfall depth	2.4 inches	2.8 inches	4.1 inches	5.8 inches

4

5 *Dewatering:* The removal of trapped water, usually by pumping, from a construction site to
 6 allow land development or utility installation activities to occur.

7 *Disturbed area:* A site which, due to ~~man-made alterations~~ land developing, **construction** or
 8 land disturbing activities, has or will experience disturbance, **removal or** destruction of the existing
 9 land surface and/or vegetative cover.

10 *Erosion:* The process **of detachment, transport, and deposition of soil, sediment or rock**
 11 **fragments**, by which the land's surface is worn away by the action of wind, water, ice or gravity.

12

13 *Erosion and sediment control plan:* A **site-specific and** comprehensive plan developed to
 14 address pollution caused by erosion and sedimentation of soil particles or rock fragments during
 15 construction **or other land disturbing activities.**

16 **Erosion and sediment control practice: Means a method or device implemented to prevent or**
 17 **reduce erosion or the resulting deposition of soil or sediment. Practice standards establish the**
 18 **minimum level of acceptable quality for planning, designing installing, operating and**
 19 **maintaining erosion and sediment control best management practices. Practice standards are**
 20 **developed by:**

21

22 **a)The Wisconsin Department of Natural Resources under subchapter V of ch. NR 151,**
 23 **of the Wis. Adm. Code;**

24

25 **b)USDA Natural Resource Conservation Service and published in the Field Office**
 26 **Technical Guide, (FOTG) Technical Notes, and Field Office Manuals.**

27

28 **c) Program guidance, manuals or technical standards, developed by the Walworth**
 29 **County Land Conservation Division, other state or local agencies or organizations,**
 30 **including but not limited to the Wisconsin Department of Natural Resources, the**
 31 **Department of Safety and Professional Services, Wisconsin Department of**
 32 **Transportation, the University of Wisconsin Cooperative Extension Service, or the**
 33 **Southeastern Wisconsin Regional Planning Commission. or the Center for Watershed**
 34 **Protection.**

35

36 **Final Stabilization: means all land disturbing construction activities at the construction site**
 37 **have been completed and a uniform perennial vegetative cover has been established with a**
 38 **density of at least 70% of the soil surface for the unpaved areas and areas not covered by**

1 **permanent structures or equivalent stabilized surface and the risk for further erosion is**
2 **minimal, as determined by the Walworth County Land Conservation Division.**

3
4 *Financial guarantee:* means a performance bond, maintenance bond, surety bond, irrevocable
5 letter of credit or similar guarantees submitted to the county land conservation division by the
6 responsible party to assure that the requirements of the ordinance are carried out in compliance with
7 the county-approved construction site erosion control plan or post-construction storm water
8 management plan.

9 **Impaired waterways: Waterways that are not meeting applicable water quality standards**
10 **and are listed in accordance with section 303(d)(1) of the Clean Water Act.**

11 **Impervious surface: means an area that releases as runoff all or a large portion of the**
12 **precipitation that falls on it, except for frozen soil. Rooftops, sidewalks, driveways, parking**
13 **lots and streets are examples of areas that are typically impervious. Gravel driveways surfaces**
14 **are considered impervious, unless designed, constructed and maintained to encourage**
15 **infiltration and storage of runoff.**

16 *Infiltration:* The entry and **movement** of precipitation or runoff into or through the soil.

17 *Infiltration system:* A device or best management practice such as basin, trench, rain garden or
18 swale designed specifically to encourage infiltration, but does not include natural infiltration in
19 pervious surfaces such as lawns, redirecting **of** rooftop downspouts onto lawns or minimal
20 infiltration from practices, such as swales or road side channels designed for conveyance and
21 pollutant removal only.

22 **Invasive species: Nonindigenous species whose introduction causes or is likely to cause**
23 **economic or environmental harm or harm to human health.**

24
25 *Land conservation committee:* The operating committee of the ~~county board of supervisors~~
26 **Walworth County Board of Supervisors** authorized under Wis. Stats. § 92.06.

27 **Land Conservation Division: The Walworth County office responsible for the**
28 **administration of this ordinance.**

29 **Land Conservation Division Staff: An employee or employees of Walworth County whose**
30 **responsibilities include enforcement of the terms and conditions of this ordinance.**

31 *Land developing activity:* The construction or erection of buildings, roads parking lots, paved
32 storage areas and other structures that may ultimately result in the addition of impervious surfaces.

33 *Land disturbing construction activity:* Any manmade alteration resulting in a change of
34 topography or **existing** vegetative cover or non-vegetative **soil** cover that may result in runoff and
35 lead to an increase in soil erosion and movement of sediment **into waters of the state.** Land
36 ~~disturbance~~ **disturbing** activities include clearing and grubbing, excavating, filling, adding or
37 disposing of spoil or contaminated soil, grading, building construction or demolition, and pit trench
38 dewatering.

39 ~~Land user: Any person operating upon, leasing or renting land, or having made any other~~
40 ~~arrangements with the landowner by which the land user engages in uses of land which are sites~~
41 ~~subject to this article. The term "land user" shall include temporary users of property such as~~
42 ~~contractors and sub-contractors.~~

1 *Landowner:* Any Person or entity holding fee title, an easement, or having an interest in a
2 parcel which allows the person or entity to undertake land disturbing construction activities of land
3 which includes a site subject to this article ordinance. A permit applicant, subject to this
4 ordinance, shall be the landowner, holding fee title in the parcel, as defined below:
5

6 1. An individual person;

7 2. A principal executive officer of a corporation;

8 3. A member or manager of a limited liability company;

9 4. The general partner in a partnership;

10 5. A principal executive officer, ranking elected official or other duly authorized representative
11 of a unit of government.

12
13 *Landowner's representative:* A person authorized by the landowner through a contract or
14 other formal agreement, to act on behalf of the landowner for the purpose of applying for
15 permits, subject to this ordinance.
16

17 ~~MEP or maximum~~ Maximum extent possible practicable or MEP: A level of implementing
18 best management practices in order to achieve a performance standard specified in this ordinance
19 which takes into account the best available technology, cost effectiveness, and other competing
20 issues such as human safety and welfare, endangered and threatened resources, historic properties
21 and geographic features. MEP allows for flexibility in the way to meet the performance standards
22 and may vary based on the performance standard and site conditions. Has the meaning given in
23 chapter NR 151.0002(25).

24 *Mitigation:* For the purposes of this ordinance, mitigation means balancing measures that
25 are designed, implemented and function to restore natural functions and values that are
26 otherwise lost through development and human activities.

27 *Mitigation Measure:* For the purposes of this ordinance, a mitigation measure is a practice
28 the Walworth County Zoning Division determines complies with the Walworth County
29 Shoreland Zoning Standards related to impervious surfaces for mitigation purposes.

30 *Mitigation Plan:* For the purposes of this ordinance, a mitigation plan is a site-specific
31 plan prepared showing the location, implementation details and maintenance requirements of
32 mitigation measures approved by the Walworth County Zoning Division to comply with the
33 Walworth County Shoreland Zoning Ordinance related to impervious surface standards.

34 *Native vegetated buffer:* An area of native trees, shrubs and herbaceous plant species
35 established to protect water quality by filtering and removing pollutants from sheet flow
36 runoff. Native vegetated buffers also provide habitat for wildlife and add natural scenic
37 beauty. For the purpose of this ordinance, the establishment of a native vegetated buffer
38 provides a direct benefit to water quality, scenic beauty and/or riparian protection.

39 *Native plant species:* A plant species that is indigenous to Walworth County or the
40 southeast area of Wisconsin, that would have existed before European settlement.

41
42 *Navigable water and navigable water.* Has the meaning in Wisc. Stats. § 30.01(4M) means
43 and includes Lake Superior, Lake Michigan, all natural waters within the state and all streams,
44 ponds, sloughs, flowages and other waters within the territorial limits of this state, including the state
45 portion of boundary waters, which are navigable under the laws of the state.

1 *Off-site:* Located outside the property boundary described in the permit application for land
2 development activity.

3 *Ordinary high-water mark* has the meaning given in § NR 115.03(6), Wis. Adm. Code
4 *Outstanding resource water* means waters listed in § NR 102.10, Wis. Adm. Code.

5 *Performance standard:* A narrative or measurable number specifying the minimum acceptable
6 outcome for a facility or practice.

7
8 **Permanent site stabilization:** Where land disturbing activities have been complete, a
9 **vegetative cover or other surfacing material has been established and the site has a uniform**
10 **distribution of perennial vegetation on at least 70% of the soil surface surfacing material in**
11 **place and the risk of soil erosion is minimal.**
12

13 **Permeable surface:** For the purposes of this ordinance, permeable is used interchangeably
14 **with the words pervious or porous. A permeable surface is an area that releases as runoff a**
15 **small portion of the precipitation that falls on it. Lawns, gardens parks, forests or other**
16 **similar vegetated area are examples of surfaces that typically are permeable or pervious. A**
17 **man-made permeable surface is a pavement system that is designed, installed and maintained**
18 **according to county conservation standards to allow the movement of storm water through**
19 **the surface into a an underground reservoir.**

20 *Permit:* A written authorization made by the ~~county land conservation division~~ **Walworth**
21 **County Land Conservation Division** to ~~applicant~~ **a landowner** to conduct ~~land disturbing~~
22 activities ~~or to discharge post construction runoff,~~ **subject to the provisions of this Ordinance.**

23 *Plat:* A map prepared for the purpose of recording a subdivision, minor land division, or
24 condominium.

25 *Pre-development condition:* The extent and distribution of land cover types, **slopes and other**
26 **natural or manmade features** present before the initiation of land disturbing ~~or~~ construction or
27 **vegetation removal** activities, assuming that all land uses prior to development activity are
28 managed in an environmental sound manner.

29 *Preliminary plat* has the meaning given in the county subdivision ordinance, chapter 58 of the
30 **Walworth** County Code of Ordinances.

31 *Responsible party:* **A landowner** ~~Any entity holding fee title to the property or other person~~
32 ~~contracted or obligated by other agreements~~ **with the landowner** to implement the construction
33 site erosion **and sediment** control plan **and/or conservation plan and comply with the**
34 **performance standards contained in this ordinance and the permit conditions,** ~~or post-~~
35 ~~construction storm water management plan,~~

36 *Retaining wall:* A structure constructed of manmade or natural materials for the purpose of
37 retaining soil, controlling erosion and preventing the down-slope movement of soil.

38 ~~*Road:* As used in this ordinance, means any access drive that serves more than two residences~~
39 ~~or businesses.~~

40 *Runoff:* Storm water or precipitation, including rain, snow or ice melt, irrigation water or similar
41 water that moves on the land surface via sheet or channelized flow.

1 **Sediment. A settleable solid material that is transported by runoff, suspended within runoff**
2 **or deposited by runoff away from its original location.**

3 *Sheet flow runoff:* Water, usually storm runoff, flowing in a thin layer over the ground surface;
4 also called overland flow.

5 *Shoreland* has the meaning given in the ~~county shoreland zoning ordinance, Walworth County~~
6 ~~Shoreland Zoning Ordinance, article III, chapter~~ **Chapter** 74 of the County Code of Ordinances **and**
7 **includes those lands lying within 1,000 feet from the ordinary high-water mark of navigable**
8 **lakes, ponds, and flowages; 300 feet from the ordinary high-water mark of a navigable stream**
9 **or channel; or to the landward side of the floodplain, whichever is greater.**

10 *Shoreyard setback:* An areas in the shoreland that is within a certain distance of the ordinary
11 high-water mark **of a navigable waterway** in which construction or the placement of buildings or
12 structures has been limited or prohibited under the ~~county shoreland zoning ordinance~~ **Walworth**
13 **County Shoreland Zoning Ordinance,** article **Article** III, chapter **Chapter** 74 of the **Walworth**
14 County Code of Ordinances.

15 *Site:* ~~That~~ **A** parcel or other division of land set forth in the legal description contained in the **a**
16 **permit** application, on which the land disturbing **construction activities,** land development activity
17 is or other **activities subject to the provisions of this ordinance are** proposed to take place.

18 *Site Stabilization Stabilized:* **The condition when** All land disturbing activities are completed
19 ~~and that~~ a uniform, perennial vegetative cover has been established on at least 70 percent of the soil
20 surface or other surfacing material is in place and the risk of further soil erosion is minimal, as
21 determined by the ~~county land conservation division~~ **Walworth County Land Conservation**
22 **Division.**

23 *Storm water:* Precipitation runoff, snow melt runoff, surface runoff and drainage.

24 *Storm water management plan:* A comprehensive plan designed to reduce the discharge of
25 pollutants from storm water after the site has undergone final stabilizations following completion of
26 the land disturbing **construction** activities.

27 *Stop-work order:* An order issued by the ~~county land conservation division~~ **Walworth County**
28 **Land Conservation Division** which requires that all construction activities on the site be stopped
29 due to a violation of the **Walworth** County Code of Ordinances.

30 *Storm water permit:* A written authorization made by the ~~county land conservation division~~
31 **Walworth County Land Conservation Division** to an applicant to conduct land disturbing
32 activities or to discharge storm water runoff to waters of the state.

33 *TR-55:* The United States Department of Agriculture, Natural Resources Conservation Service
34 (previously Soil Conservation Service), Urban hydrology for Small Watersheds, Second Edition,
35 Technical Release 55, June 1986.

36 *Technical standard:* A document that specifies the planning and selection criteria, design,
37 predicted performance and operation and maintenance specification for a material, device or method.

38 **Temporary site stabilization:** **Measures such as soil treatment, seeding, mulching, or other**
39 **measures to temporarily stabilize a disturbed area that remains inactive or permanent**
40 **stabilization is delayed.**

41 **Treated impervious surface:** **For the purposes of this ordinance, treated impervious**
42 **surfaces are established to comply with the Walworth County Shoreland Zoning Ordinance.**

1 **A treated impervious surface is hydrologically connected to an engineered best management**
2 **practice or device that collects precipitation and runoff from an impervious surface for**
3 **infiltration, storage, and treatment for pollution control, peak discharge and/or volume control**
4 **and are designed, constructed and maintained according to Walworth County conservation**
5 **standards.**

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

9 *Vegetation removal:* The removal, pruning, trimming, burning of trees, shrubs, forbs or other
10 herbaceous ground cover.

11 **Vegetated buffer: An area or strip of trees, shrubs and herbaceous plant species**
12 **established to protect water quality by filtering and removing pollutants from sheet flow**
13 **runoff. Vegetated buffers also provide habitat for wildlife and add natural scenic beauty. For**
14 **the purpose of this ordinance, the establishment of a vegetated buffer provides a direct benefit**
15 **to water quality, scenic beauty and/or riparian protection.**

16 **Vegetated Swale: A constructed storm water conveyance systems, lined with vegetation**
17 **and designed to achieve water quality and water quantity benefits.**

18 *Waters of the state:* Has the meaning given in Wis. Stats. § 281.01(18).

19 **WIDSPS: Wisconsin Department of Safety and Professional Services.**

20 *WDNR:* The Wisconsin Department of Natural Resources.

21 *Wetlands:* An area where water is at or near the surface long enough to be capable of supporting
22 aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

23 **Wetland delineation: An onsite field examination, using the procedures specified in NR**
24 **103.08(1m) and state and federal regulations and manuals, to determine the boundary of a**
25 **wetland on a parcel.**

26
27 **Wis. Adm. Code: Wisconsin Administrative Code. Administrative rules, regulations,**
28 **standards, or policies promulgated by executive branch agencies to implement statutes and**
29 **administer agency programs. Administrative rules are compiled in the Wisconsin**
30 **Administrative Code.**

31
32 **Wis. Stats: Wisconsin State Statutes. General laws of the state, created by legislation.**
33

34 Secs. 26-40—26-55. - Reserved.
35

36 DIVISION 2. - CONSERVATION AND TECHNICAL STANDARDS AND SPECIFICATIONS,
37 CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL GUIDING PRINCIPLES,
38 PERFORMANCE STANDARDS, SITE DRAINAGE AND STORM WATER MANAGEMENT
39 Sec. 26-56. - County conservation standards, technical standards and construction specifications.

40 ~~(a) Hydrologic and hydraulic modeling and computations and soil evaluations. The following~~
41 ~~standards and specifications, models and site evaluations shall be used in evaluating, modeling,~~
42 ~~planning, selecting, designing, constructing and maintaining best management practices needed~~
43 ~~comply with this article.~~

~~(1) Hydrological and hydraulic computations.~~

- ~~a. Models. All computations of runoff volumes and peak flow rates used in the development of erosion and sediment control plans in accordance with this article shall be based on United States Department of Agriculture Natural Resources Conservation Service (NRCS) methodology. Other models may be approved and used to evaluate the efficiency of the design in meeting the requirements of this article.~~
- ~~b. Rainfall depths. To determine compliance with this article, the following design storm rainfall depths shall be used, which are derived from NRCS publications and extrapolated for the county:~~

Design Storm	1 year 24 hour	2 year 24 hour	10 year 24 hour	100 year 24 hour
Rainfall depth	2.4 inches	2.8 inches	4.1 inches	5.8 inches

- ~~c. Runoff curve numbers. All computations of pre-development conditions as specified in this article shall use those NRCS runoff curve numbers assigned for a "good" hydrologic condition for each land cover type. For lands where the pre-development land use was cropland, the following NRCS curve number values shall be used as maximums:~~

Soil Hydrologic Group	A	B	C	D
NRCS runoff curve number	56	70	79	83

- (a) County conservation and technical standards and construction specifications. The selection, design, construction and maintenance of all structural and nonstructural **conservation practices** and **construction site** erosion and sediment control best management practices, needed to comply with the performance standards contained in this ~~article~~ **ordinance** shall meet the minimum level of acceptable quality for ~~planning, designing, installing, operating, and maintaining~~ and shall be based ~~include~~ on **following:**

- (1) Applicable design criteria, standards and specifications identified, developed or disseminated by the state **Wisconsin Department of Natural Resources** ~~department of natural resources~~ under subchapter V of ch. NR 151, Wis. Adm. Code
- (2) **Section IV of the** ~~The~~ Field Office Technical Guide, Technical Notes, and Field Office **Manuals** published by the USDA Natural Resource Conservation Service.
- (3) **Program guidance or other other technical and** design standards and specifications, **adopted by the State Standards Oversight Council,** ~~not identified or developed in sub-(a) or (b)~~ **or** published by the Wisconsin Department of Transportation, the University of Wisconsin Cooperative Extension Service, the Wisconsin Department of Natural Resources, the Southeastern Wisconsin Regional Planning Commission ~~or the Center for Watershed Protection~~ **or other federal, state or local agencies may be applied** ~~provided~~

1 ~~that the methods have been~~ **if** approved by the ~~county land conservation division~~
2 **Walworth County Land Conservation Division** ~~or their designee.~~

- 3 (4) Construction and material specifications. The construction ~~or installation~~ and material
4 specifications ~~and material used and components or~~ **for the construction or establishment**
5 **of construction site erosion and sediment control and storm water best management**
6 **practices**, BMPs, materials and components shall comply with the applicable ~~manufacture's~~
7 specifications and industry standards and specifications, including but not limited to those
8 published by ASTM, the USDA Natural Resource Conservation Service, (NRCS,) **Wisconsin**
9 **Department of Natural Resources, (WDNR)** ~~state department of natural~~
10 ~~resources,~~ or the ~~state department of transportation~~ or the **Wisconsin Department of**
11 **Transportation.**

12 (e**b**) Soil evaluations. All soil profile evaluations and documentation shall be completed in
13 accordance with **WDNR Conservation Practice Standard #1002**, Chapter ~~COMM-85~~ **SPS**
14 **382.365 and SPS 385 of the** Wis. Admin. Code and any applicable standard **listed**
15 subsection (b) above. Where there are no specific standards for the number, location, or depth of
16 soil profile evaluations for a proposed BMP, the ~~county land conservation division~~ **Walworth**
17 **County Land Conservation Division** shall determine the minimum requirements based on the
18 design of the BMP and likely variability of the on-site soils.

19
20 Sec. 26-57. - Construction site erosion and sediment control guiding principles **and preventive**
21 **measures:**
22

23 (a) Guiding principles **and preventative measures** for construction site erosion and sediment
24 control. To satisfy the requirements of this ~~article~~ **ordinance**, a construction site erosion and
25 sediment control plan shall, to the maximum extent practicable, adhere to the following guiding
26 principles **and incorporate all of the following preventative measures:**

27 (1) Propose grading that best fits the terrain of the site, avoiding steep slopes, wetlands,
28 floodplains, ~~and~~ environmental corridors **and applicable regulatory setbacks from**
29 **waterways, wetland, property lines and other features;**

30 **(2) Maintain existing vegetation, especially adjacent to surface waters and wetlands,**
31 **whenever possible;**

32 **(23)** Minimize, through project phasing and construction sequencing, the ~~time~~ **duration** and the
33 size of an area of land disturbed at any one time and exposed to the wind, runoff and snow
34 melt;

35 **(34)** Minimize soil compaction, the loss of trees and other natural vegetation;

36 (4) Stabilize land disturbed with vegetation, mulch or other erosion resistant covering;

37 (5) Locate erosion and sediment control best management practices ~~upstream~~ **upland** from
38 where runoff leaves the site or enter waters of the state and outside of wetlands,
39 floodplains, primary and secondary environmental corridors and isolated natural areas;

40 (6) Emphasize the use of best management practices that prevent the soil detachment and
41 transport, over those aimed to reduce or intercept sediment or repair of erosion damage;

42 **(7) Preserve topsoil for reuse during site stabilization;**

1 **(8) Minimize land disturbing construction activity on slopes of 20 percent or more; and**

2 **(9) Develop spill prevention and response procedures.**

3
4 Sec. 26-58. - Performance standards for construction sites, ~~erosion and sediment control and other~~
5 ~~pollutant control.~~

6 (a) **General Implementation: The best management practices used to comply with this**
7 **ordinance shall be implemented as follows:**

8 (1) Where land disturbing construction activities are to occur, the landowner or responsible
9 party shall implement a county-approved erosion and sediment control plan developed in
10 accordance with section 26-65 of this ~~article~~ **ordinance** and incorporates ~~the requirements~~
11 ~~of~~ the guiding principles, performance standards and plan requirements of this ~~article~~
12 **ordinance.**

13 (2) Land disturbing construction activities, except those activities necessary to implement
14 erosion or sediment control practices, may not begin until the erosion and sediment control
15 practices are in place for each area to be disturbed, in accordance with the approved erosion
16 and sediment control plan.

17 (3) **Final stabilization shall commence when land disturbing activities cease and final**
18 **grade has been reached on any portion of the site.**

19 (4) **Temporary stabilization shall commence when land disturbing activities have**
20 **temporarily ceased and will not resume for a period exceeding 14 days.**

21 ~~(35)~~ Erosion and sediment control practices shall be maintained until the disturbed areas are
22 stabilized. A disturbed area shall be considered stabilized by vegetation when a perennial
23 cover has been established with a density of at least 70 percent of cover for the unpaved
24 areas and areas not covered by a permanent structure or that employ equivalent ~~permanent~~
25 **final** stabilization measures.

26 ~~(46)~~ Erosion and sediment control best management practices used to meet the standards of this
27 ~~article~~ **ordinance** shall be planned, designed, installed and maintained according to county
28 conservation standards, ~~or standards approved by the department of commerce, or the state~~
29 ~~department of natural resources, in accordance with the process under § NR 151.32(2).~~

30 **(7) Best management practices that are no longer necessary for erosion control shall be**
31 **removed by the landowner or the responsible party.**

32
33 (b) Erosion and sediment control ~~mandated~~ practices. ~~and erosion and sediment control~~
34 ~~performance standards. The plan required under section 26-65 of this article shall include the~~
35 ~~following:~~

36 (1) ~~Mandated practices~~ **Requirements:** Specific best management practices, complying with
37 county conservation standards, shall be employed and maintained to do all of the following
38 at each site where land disturbing construction activities are to occur shall:

39 a. Prevent **or reduce vehicle tracking of sediment from the construction site onto**
40 **roads and other paved surfaces.** ~~soil from being tracked onto streets by vehicles.~~

41 b. Prevent **or reduce** the discharge of sediment from disturbed areas into ~~on-site~~ storm
42 drain water inlets.

- c. Prevent **or reduce** the discharge of sediment from disturbed areas **into** abutting waters of the state **or wetlands**.
 - d. Prevent **or reduce** the discharge of sediment into drainage ways that flow off the site.
 - e. Prevent **or reduce** the discharge of sediment during dewatering activities.
 - f. Prevent **or reduce** the discharge of sediment **eroding** from stockpiles existing for more than 7 days.
 - g. **Prevent or reduce the discharge of sediment from erosive flows at outlets and in downstream channels.**
 - h. **Prevent or reduce the transport by runoff into waters of the state, wetlands or adjacent properties, untreated wash water from vehicle and wheel washing.**
 - i. **Minimize dust to the maximum extent practicable.**
 - j. Manage building waste, chemicals, **cement, building** materials and other compounds used on the construction site ~~to~~ **and** prevent their transport by runoff to waters of the state, **wetlands** and adjacent properties.
 - k. **Prevent soil from leaving the construction site during periods of winter and spring thaw and rains.**
 - ~~l.~~ Prevent land disturbance ~~to~~ **disturbing** activities outside of the area designated on the approved erosion and sediment control plan.
 - m. **Prevent land disturbing activities or earth movement activities within the shoreyard setback area, as determined by the Walworth County Zoning Division.**
- (2) Erosion and sediment control **performance** standards. Including the ~~mandated~~ practices under subsection (1) additional erosion and sediment control best management practices, complying with county conservation standards, shall be employed and maintained **on construction sites located in the shoreland or on a construction site of one or more acre** to accomplish ~~one of~~ the following ~~erosion and~~ sediment control **performance** standards:
- a. A potential annual cumulative soil loss rate of not more than ~~one of the following:~~ **five (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.**
 1. ~~Five tons per acre per year where sand, loamy sand, sandy loam, loam, sandy clay loam, clay loam, sandy clay, silty clay or clay textures are exposed.~~
 2. ~~Seven and half tons per acre per year, where silt, silty clay loam or silt loam textures are exposed.~~
 - ~~b.~~ ~~A reduction of at least 80 percent of the potential sediment load in storm water runoff from the site on an average annual basis as compared with no sediment or erosion controls for the site when the land disturbing construction activity involves more than one or more acre.~~
 - b. **No person shall be required to employ more BMPs than are needed to meet a performance standard in order to comply with maximum extent practical. Erosion and sediment control BMPs may be combined to meet the requirements in this subsection of the ordinance. Credit may be given toward meeting the**

1 **sediment performance standard of this subsection of the ordinance by limiting**
2 **the duration or area or both, of land disturbing activity.**

3 e. ~~A reduction of at least 40 percent of the potential sediment load in storm water runoff~~
4 ~~from the site on an average annual basis as compared with no sediment or erosion~~
5 ~~controls for the site where less than one acre of the land disturbing construction~~
6 ~~activity is to occur.~~

7 d. Potential soil loss or the reduction in potential sediment load shall be determined using
8 ~~an engineer analytical modeling acceptable to the department of commerce, the state~~
9 ~~department of natural resources, or the county land conservation division~~ **Walworth**
10 **County Land Conservation Division.**

11 (c) Other pollutant control requirements. The use, storage and disposal of chemicals, cement and
12 other compounds and materials used on the construction site shall be managed during the
13 construction period, to prevent their entrance into waters of the state and wetlands. However
14 projects that require the placement of these materials in waters of the state, such as constructing
15 bridge footings, or BMP installations, are not prohibited by this ~~article~~ **ordinance.**

16 (d) Location of best management practices. The BMPs used to comply with this ~~article~~ **ordinance**
17 shall be located **so that treatment occurs** prior to runoff entering waters of the state, **wetlands**
18 **or adjacent properties.**

19 (e) Alternative requirements. The ~~county land conservation committee~~ **Walworth County Land**
20 **Conservation Committee** or the ~~county zoning agency~~ **Walworth County Zoning Agency**
21 may establish construction site erosion and sediment control requirements more stringent than
22 those set forth in this section, if it is determined that an added level of protection is needed to
23 protect:

24 (1) A cold water stream, outstanding water resource, exceptional water resource, critical
25 aquatic habitat areas or other environmentally sensitive area.

26 (2) A downstream property.

27 (3) Public health and safety.

28 **(4) Impaired waterways, listed in the accordance with section 303(d) (1) of the federal**
29 **Clean Water Act.**

30 (f) Monitoring.

31 (1) The ~~owner or owner's agent~~ **landowner or the responsible party** shall inspect the erosion
32 and sediment control practices for maintenance needs at all of the following intervals until
33 final site stabilization:

34 a. At least once weekly.

35 b. Within 24 hours after a rainfall event of 0.5 inches or greater. A rainfall event shall be
36 considered to be the total amount of rainfall recorded in any continuous 24-hour
37 period.

38 c. At all intervals cited in the erosion and sediment control plan.

39 (2) The ~~owner or owner's agent~~ **landowner or the responsible party** shall maintain a
40 monitoring record when the land disturbing activities construction activity involves one or

1 more acres, **or when requested by the Walworth County Land Conservation Division.**
2 The monitoring record shall contain at least the following information:

- 3 a. The condition of the erosion and sediment control practices at the intervals specified
4 under subsection (1) and the need for any cleaning, repairing, modification or
5 replacement.
6 b. A description and the date of the maintenance conducted to clean, repair, replace or
7 modify erosion and sediment control practices.

8 (g) Maintenance. The **landowner or the** responsible party shall maintain all erosion and sediment
9 control practices necessary to meet the requirements of this ordinance until the project site has
10 undergone final ~~site~~ stabilization.

11 (1) When the failure of erosion or sediment control practices results in an immediate threat of
12 sediment entering public sewers or the waters of the state, procedures shall be implemented
13 immediately to repair or replace the practices.

14 (2) Sediment deposition onto any roadways or neighboring properties, resulting from the
15 failure of an erosion or sediment control practice, shall be cleaned up by the end of the
16 workday.

17 (3) The ~~owner or the owner's agent~~ **landowner or the responsible party** shall clean, repair or
18 replace any erosion and sediment control practice noted during the monitoring interval
19 specified in subsection (f) within 24 hours of noting the maintenance needs.

20 (4) The ~~county land conservation division and the state department of natural resources~~
21 **Walworth County Land Conservation Division and the Wisconsin Department of**
22 **Natural Resources** will be contacted before attempting to clean up any sediment deposited
23 or discharged into any waters of the state or wetlands.

24 (h) Dismantling of temporary erosion and sediment control practices. Except for permanent erosion
25 control systems, the ~~owner~~ **landowner or the responsible party** shall be responsible for
26 dismantling and removing temporary erosion **and sediment** control practices ~~once the soil on~~
27 ~~the site is stabilized~~ **when the site has achieved final stabilization.** A disturbed site is
28 considered stabilized by vegetation when a perennial cover has been established with a density
29 of at least 70 percent.

30 Sec. 26-59. - Site drainage and post-construction storm water management.

31 (a) Site drainage.

32 (1) Measures shall be implemented to ensure proper site drainage, prevent property damage
33 and protect **public** health and safety. Site grading shall ensure positive flows away from
34 buildings and septic systems and minimize adverse impacts to any adjacent environmental
35 resources or properties.

36 (2) The county erosion control **plan reviewer or** inspector may require a site drainage plan
37 performed by a professional engineer, licensed in the ~~state~~ **State of Wisconsin**, when the
38 following site limitations or alterations have been noted:

- 39 a. Aquic conditions or saturation of a horizon of the soil.
40 b. Proposed plan indicates drainage conditions will be altered.
41 c. Historic drainage problems have been formally noted by the local municipality

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(b) Post-construction storm water management. A storm water management permit must be obtained, pursuant to ~~article 1, section 26,~~ **Chapter 26, Article I** of the Walworth County Code of Ordinances and **a** storm water management plan consistent with county conservation standards, ~~article 1, section 26 and § NR 151.12, of the Wisconsin Administrative Code~~ must be implemented when the land disturbing construction activities cover one or more acres **or when the Walworth County Zoning Division has determined a storm water permit is required to comply with the Walworth County Shoreland Zoning standards for treated impervious surfaces or shoreland mitigation measures.**

(c) **The design, installation and maintenance of piping, conveyance, venting, detention and treatment of storm water and clear water in plumbing systems must comply with Chapter SPS 382.36, Wis. Adm. Code, related to uniform standards for plumbing in connection with building and facilities in Wisconsin.**

DIVISION 3. - ADMINISTRATION, PERMIT AND PLAN REQUIREMENTS, PERMIT AND PLAN APPROVAL AND ENFORCEMENT

Sec. 26-60. - General administration.

(a) The ~~county board of supervisors~~ **Walworth County Board of Supervisors** designates **authorizes** the **Walworth County Land Conservation Division** ~~county land conservation division~~ to administer and enforce the provisions of this ~~article~~ **ordinance.**

(b) **Walworth County shall provide the services of a soil erosion control plan reviewer and inspector** ~~There is hereby created the position of a soil erosion control inspector to administer and enforce this article~~ **ordinance.**

(c) The soil erosion control **plan reviewer and** inspector shall be certified by the ~~state~~ the **Wisconsin Department of Safety and Professional Services** to engage in the administration and enforcement of this ~~article~~ **ordinance** and chapter ~~comm.20~~ **SPS 320,** and chapter ~~comm.21~~ ~~of the Wisconsin Administrative Code~~ **Wis. Adm. Code.**

(d) The soil erosion control **plan reviewer and** inspector shall keep a record of all plan reviews, permit and inspection activities.

Sec. 26-61. - Plan approval and permit required.

(a) No landowner or responsible party may allow or commence a vegetation removal, land disturbing or construction activity subject to this ~~article~~ **ordinance** without receiving prior approval of a conservation plan and/or an erosion and sediment control plan and a permit from the ~~county land conservation division~~ **Walworth County Land Conservation Division.** At least one person acting in the capacity as the landowner or responsible party, controlling or using the site and desiring to undertake a land disturbing or construction activity subject to this ~~article~~ **ordinance** shall, in the capacity of the applicant, submit an application for a permit, and an erosion and sediment control plan ~~and~~ **or** a conservation plan, if applicable, and pay the required permit application fee to the ~~county land use and resource management department~~ **Walworth County Land Use and Resource Management Department.** By submitting an

1 application, the applicant is authorizing the ~~county land conservation division~~ **Walworth**
2 **County Land Conservation** staff or designee to enter the site to obtain information required
3 for the review of the conservation plan or erosion and sediment control plan.

- 4 (b) General permits for certain construction activities. Land disturbing activities associated with the
5 construction of **barns**, garages, sheds, and above-ground pools, ~~which would otherwise require~~
6 ~~a construction site erosion control general permit~~, are exempt **eligible for a General**
7 **Construction Site Erosion Control Permit** ~~from that requirement~~, if the following project
8 limitations apply:

9 (1)The project site and the land disturbing activities are not located within 300 feet of a stream,
10 creek or navigable channel or 1,000 feet of a lake **within 1,000 feet from the ordinary**
11 **high-water mark of navigable lakes, ponds, and flowages; 300 feet from the ordinary**
12 **high-water mark of a navigable stream or channel; or to the landward side of the**
13 **floodplain, whichever is greater.**

14 (2) Land disturbing activities are less than 4,000 square feet.

15 (3) Land disturbing activities are less than 400 cubic yards of filling and excavation.

16 (4) An existing non-tracking driveway will be used to access the construction site. A new **or**
17 **temporary driveway** will not be established or constructed.

18
19 Sec. 26-62. - Permit application and fees.
20

- 21 (a) The landowner or the responsible party desiring to undertake a ~~vegetation removal or~~ land
22 disturbing construction activities subject to this ~~article~~ **ordinance** shall submit an application for
23 a permit on a form provided by the county and a plan that meets the requirements contained in
24 this ~~article~~ **ordinance** and shall pay the application fee to the ~~county land use and resource~~
25 ~~management department~~ **Walworth County Land Use and Resource Management**
26 **Department.**

- 27
28 (b) Permit fee schedule.

29 (1) The permit application fees referred to in this ~~article~~ **ordinance** shall be established by the
30 ~~county board of supervisors~~ **Walworth County Board of Supervisors**, according to
31 procedures set forth in chapter 30 of the County Code of Ordinances, in a fee schedule and
32 may, from time to time, be modified. The processing fees shall be related to costs involved
33 in processing permit applications, reviewing plans, conducting inspections, and
34 documentation. A schedule of the fees shall be available for review in the ~~county land use~~
35 ~~and resource management department~~ **Walworth County Land Use and Resource**
36 **Management Department** or on the county website.

37
38 (2) A double permit **application** fee shall be assessed, if land disturbing or construction
39 activities commence before a permit is applied for and issued. Such double fee shall not
40 release the applicant from full compliance with this ~~article~~ **ordinance** nor from prosecution
41 for violation of this ~~article~~ **ordinance**.
42

1 (3) A permit extension fee is required if the landowner or the responsible party has not
2 completed final site stabilization and desires to continue land disturbing construction
3 activities ~~beyond~~ **after** the expiration date of the permit.

4
5 (4) Plan amendment or revision fee. A plan amendment or revision fee is required, if the
6 landowner or responsible party amends or revises any component of the erosion and
7 sediment control plan after the county land conservation division has completed the initial
8 review, and approved the plan.

9 (c) General permit for certain construction activities. The submittal of a construction site erosion
10 control permit application and a permit application fee is not required for land disturbing
11 activities eligible for a general permit, pursuant to subsection 26-61(b) **of this ordinance.**

12
13 Sec. 26-63. - Review of erosion and sediment control plan.
14

15 a) **Permit approval.** Within 30 days of receipt of ~~the~~ **a permit** application, a construction site
16 erosion and sediment control plan **and/or a conservation plan** and an application fee, the ~~county~~
17 ~~land conservation division~~ **Walworth County Land Conservation Division** staff shall review the
18 application and the construction site erosion and sediment control plan to determine if the
19 requirements of this ~~article~~ **ordinance** are met. The ~~county land conservation division~~ **Walworth**
20 **County Land Conservation Division** staff may request comments from other departments or
21 agencies. If the requirements of this ~~article~~ **ordinance** are met, the ~~county land conservation division~~
22 **Walworth County Land Conservation Division** shall approve the plan, and issue a permit.

23 b) **Permit denial.** If within 30 days, the ~~county land conservation division~~ **Walworth County**
24 **Land Conservation Division** determines that the application or the plan is incomplete, the ~~county~~
25 ~~land conservation division~~ **Walworth County Land Conservation Division** shall inform the
26 applicant in writing and may either request the ~~needed~~ **additional plan or project** information or
27 ~~disapprove the~~ **deny approval of the** plan. Within 30 days of receipt of needed information, the
28 ~~county land conservation division~~ **Walworth County Land Conservation Division** staff shall again
29 determine if the plan meets the requirements of this ~~article~~ **ordinance.** If the plan is ~~disapproved~~ **not**
30 **approved,** the ~~county land conservation division~~ **Walworth County Land Conservation Division**
31 shall inform the applicant in writing of the reasons for the ~~disapproval~~ **denying the approval of the**
32 **plan.**

33
34
35 Sec. 26-64. - Permit duration, **amendment and transfer.**
36

37 (a) A permit issued under this ~~article~~ **ordinance** shall be valid for a period of 180 days, or the
38 length of the ~~building permit from the date of issuance~~ **of other construction authorization,**
39 **whichever is longer, from the date of issuance.** The ~~county land conservation division~~
40 **Walworth County Land Conservation Division** may extend the period one or more times for
41 up to an additional 180 days, if a formal written request is submitted. The written request will
42 include:

43 (1) The reason for the need for the extension.

- 1 (2) A new project schedule, including the date of site stabilization.
- 2 (3) Affirmation of the installation and maintenance of the erosion and sediment control
- 3 measures on the site.
- 4 (4) A description and location of any additional erosion and sediment control measures,
- 5 including, but not limited to temporary stabilization needed to protect the site during the
- 6 construction delay and meet the requirements of this ~~article~~ **ordinance**.

7 **(b) Permit amendment. The Walworth County Land Conservation Division may amend a**
8 **permit issued under this ordinance, including extending the permit expiration date, if**
9 **requested in writing. The landowner or the landowner’s representative must request the**
10 **permit renewal or amendment at least 2 weeks prior to the permit expiration date on a**
11 **form provided by the Walworth County Land Conservation Division and pay the**
12 **corresponding fee. The Walworth County Land Conservation Division may request the**
13 **implementation of additional erosion and sediment control measures and plan**
14 **implementation information prior to granting the permit amendment.**
15

16 **(c) Permit transfer. Prior to the expiration date of a permit issued under this ordinance,**
17 **the Walworth County Land Conservation Division may transfer a permit to a new**
18 **landowner or responsible party, upon written request and payment of the applicable**
19 **permit transfer fee. The new landowner must certify acceptance of the permit conditions**
20 **and the approved erosion and sediment control plan or submit a revised erosion and**
21 **sediment control plan for approval. The revised erosion and sediment control plan must**
22 **comply with the plan requirements listed in Section 26-66 of this ordinance.**
23

24 ~~The county land conservation division~~ **Walworth County Land Conservation Division** may
25 require additional control measures as a condition of the permit ~~extension~~ **amendment or**
26 **transfer**, if necessary to meet the requirements of this ~~article~~ **ordinance**.

27
28 Sec. 26-65. - Permit conditions.
29

30 (a) All permits issued under this ~~article~~ **ordinance** shall be subject to the following conditions and
31 holder of permits under this ~~article~~ **ordinance** shall be deemed to have accepted these
32 conditions. ~~The county land conservation division~~ **Walworth County Land Conservation**
33 **Division** may suspend or revoke a permit for the violation of a permit condition, following
34 written notifications ~~of~~ **to** the responsible party. All permits under this ~~article~~ **ordinance** shall
35 require the landowner or the responsible party to:

36 (1) Notify the ~~county land conservation division~~ **Walworth County Land Conservation**
37 **Division** within 48 hours of commencing any land developing or disturbing construction
38 activity.

39 (2) Notify the ~~county land conservation division~~ **Walworth County Land Conservation**
40 **Division within 48 hours** of completion ~~of any erosion or sediment control measures of~~
41 **the project and final site stabilization and submit photos of the completed project and**
42 **site stabilization.** ~~within 14 days after their installation.~~

- 1 (3) Obtain permission in writing from the ~~county land conservation division~~ **Walworth**
2 **County Land Conservation Division** prior to modifying the erosion and sediment control
3 plan or the conservation plan for vegetation removal.
- 4 (4) **Install and maintain all erosion and sediment control measures identified in the**
5 **approved erosion and sediment control plan.**
- 6 **(5) Limit land disturbing activities to the areas shown on the approved plan.**
- 7 (6) Maintain all road drainage systems, storm water drainage systems, erosion and sediment
8 control measures and other facilities identified in the control plan.
- 9 **(7)** Inspect the erosion and sediment control measures within 24 hours after each rain of 0.5
10 inches or more and at least once each week, make needed repairs and record the findings of
11 the inspections in a site erosion and sediment control log with the date of inspection, the
12 name of the person conducting the inspection and a description of the present phase of the
13 construction at the site.
- 14 **(8)** After consultation and approval of the ~~county land conservation division~~ **Walworth**
15 **County Land Conservation Division**, the ~~county zoning division~~ **Walworth County**
16 **Zoning Division**, and the ~~state department of natural resources~~ **Wisconsin Department of**
17 **Natural Resources**, repair any siltation or erosion damage to adjoining surfaces such as
18 lakes, streams, wetlands, channels, ditches, ponds, and other watercourses and drainage
19 ways resulting from land developing or disturbing construction activities and document
20 repairs in the site erosion and sediment control inspection log.
- 21 (9) Allow the ~~county land conservation division~~ **Walworth County Land Conservation**
22 **Division** staff or designee to enter the site for the purpose of inspecting compliance with
23 the erosion and sediment control plan or performing any work necessary to bring the site
24 into compliance with the erosion and sediment control plan.
- 25 (10) Keep a copy of the erosion and sediment control plan and permit on the **project** site.
- 26 (11) Attend a pre-construction meeting, if required by the ~~county land conservation division~~
27 **Walworth County Land Conservation Division**, prior to commencing any land
28 disturbing activity. The landowner and/or the responsible party, the design engineer,
29 contractors, **landscaper, the individual responsible for the implementation and**
30 **monitoring of the construction site erosion control plan**, and other interested parties
31 **project representatives** identified by the ~~county land conservation division~~ **Walworth**
32 **County Land Conservation Division** will attend a pre-construction meeting, at a location
33 **mutually** determined by the ~~county land conservation division~~ **Walworth County Land**
34 **Conservation Division and the landowner or the responsible party.**
- 35 (12) Obtain all local, state and federal permits required to conduct the land disturbing activities.
36 The landowner ~~and~~ **or** the responsible party will submit copies of all permits required to
37 conduct the land disturbing activities **to the Walworth County Land Conservation**
38 **Division.**
- 39 (13) Prepare and submit "as-built" plans, certified by a professional engineer, licensed in the
40 state, ~~State of Wisconsin~~ **of** **for** the structural erosion and sediment control best
41 management practices, to the ~~county land conservation division~~ **Walworth County Land**
42 **Conservation Division, when requested.**

1 (14) ~~Obtain and~~ ~~Keep~~ keep financial assurance current, if required by the ~~county land~~
2 ~~conservation division~~ Walworth County Land Conservation Division.

3 **(15) Other conditions established by the Walworth County Land Conservation Division**
4 **when needed to assure compliance with the performance standards listed in Division**
5 **II of this Ordinance.**

6 (b) Permit conditions for general permits: Construction activities for which a general permit is
7 required are subject to the following permit conditions:

8 (1) The tracking of material from the construction site onto any roadway must be prevented.
9 The tracking of any material from the project site onto any roadway is considered a
10 violation of this general permit.

11 (2) Land disturbing activities cannot exceed 4,000 square feet, including excavation, filling and
12 stockpiling.

13 (3) Site de-watering is not permitted.

14 (4) Silt fence, straw bales or other sediment control measures used on the project site must be
15 installed and maintained according to WDNR Construction Site Erosion Control Technical
16 Standards, (<http://dnr.wi.gov/Runoff/stormwater/techstds.htm>).

17 (5) Minimize adverse drainage impacts on any adjacent environmental resource or property.

18 (6) Soil stockpiles cannot be placed within 25 feet of any road right-of-way or drainage-way.

19 (7) All building waste must be properly contained, managed and disposed.

20 (8) All disturbed areas must be seeded and mulched or covered with erosion resistant material
21 within ~~seven~~ 14 days of project completion.

22 (9) All federal, state, county and local permits must be obtained, if needed.

23 (10) Allow Walworth County Land Conservation Division Staff to enter the project site for the
24 purpose of inspecting for compliance with county environmental regulations.

25 Sec. 26-66. - Erosion and sediment control plan and statement.
26

27 (a) A site-specific Erosion and sediment control plan required. No person shall commence with
28 land disturbing activities and cause soil to be disturbed for construction within the scope of this
29 ~~article~~ ordinance without obtaining approval of an erosion and sediment control plan for that
30 activity from the ~~county land conservation division~~ Walworth County Land Conservation
31 Division.

32 (1) A site-specific construction site erosion and sediment control plan shall be prepared and
33 submitted to the ~~county land conservation division~~ Walworth County Land Conservation
34 Division.

35
36 (2) The erosion and sediment control plan shall be designed to meet the performance standards
37 in section 26-58 and other requirements of this ~~article~~ ordinance.

38 (3) The site-specific construction site erosion and sediment control plan shall address
39 pollution caused by soil erosion and sedimentation during construction and up to final
40 stabilization of the site.

- 1 (4) Erosion control plan requirements. Where appropriate, the construction site erosion and
2 sediment control plan shall use the following best management practices or plan elements
3 to do all of the following to the maximum extent practicable:
- 4 a. Prevent tracking of sediment from the construction site onto roads or other paved
5 surfaces. Each site shall have anti-tracking stone pads and access drives, and parking
6 areas conforming to county technical and conservation standards, so as to prevent
7 sediment from being tracked onto public or private streets, highways or roadways.
 - 8 b. Divert upslope runoff. Divert excess runoff from upslope land, rooftops or other
9 surfaces, if practicable, using best management practices such as earthen diversion
10 berms or downspout extenders.
 - 11 c. Prevent the discharge of sediment as part of site de-watering. Water pumped from the
12 site shall be treated or filtered by an appropriate best management practice conforming
13 to county technical and conservation standards.
 - 14 d. Protect the separate storm drain inlet structure from receiving sediment. All storm
15 drain inlets shall be protected with an appropriate best management practice
16 conforming to country technical and conservation standards.
 - 17 e. Contain and stabilize stockpiled soil with vegetation, mulch, tarps, or other
18 method conforming to county conservation standards. Locate soil stockpiles away
19 from channelized flow and no closer than 25 feet from roads, ditches, channels or
20 wetlands. Stockpiled soil cannot be placed within the shoreyard setback area
21 unless otherwise approved by the ~~county land conservation division~~ **Walworth**
22 **County Land Conservation Division.** Any stockpile that remains for more than
23 seven (7) days shall be stabilized by seeding and secured mulching, secured
24 mulching or other erosion resistant cover.
 - 25 f. Minimize the length and steepness of cut and fill slopes,
 - 26 g. Intercept sediment in overland flow by using silt fence, vegetative filter strips, or
27 appropriate best management practices conforming to county technical and
28 conservation standards.
 - 29 h. Trap sediment in channelized flow before discharge from the site using, sediment
30 traps, sediment basins or other best management practice, conforming to county
31 conservation standards.
 - 32 i. Protect pipe and channel outlets from erosion during de-watering, and storm water
33 conveyance and discharge, by using best management practices to prevent scour.
 - 34 j. Dust control. Prevent excessive dust from leaving the construction site with by as site
35 watering, mulching or other approved method.
 - 36 k. Waste and material disposal. All waste and unused building materials including
37 garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials
38 shall be properly disposed of and not be allowed to be carried by runoff into a
39 receiving channel or storm sewer system.
 - 40 l. Fill. Only clean fill may be used for restoration work conducted on any land
41 disturbance or land developing project. Soils containing petroleum are considered
42 contaminated and may not be land spread as a land disturbing activity for the treatment

1 of soil unless conducted at a county approved facility. Soils containing soil additives
2 such as fertilizers, herbicides or pesticides may be land spread if applied at legally
3 established concentration rates.

- 4 m. Topsoil preservation and application. ~~Save e~~Existing topsoil **should be preserved** and
5 ~~reapply~~ **reapplied or reused on the construction site.** A ~~A~~ minimum of four inches
6 **of topsoil should be applied** to all disturbed areas for final stabilization, unless
7 otherwise approved by the ~~county land conservation division~~ **Walworth County Land**
8 **Conservation Division.** If existing topsoil is insufficient or inadequate, to meet this
9 requirement, topsoil shall be imported or a topsoil substitute may be used, upon
10 approval of the ~~county land conservation division.~~ **Walworth County Land**
11 **Conervation Division.**
- 12 n. Sediment cleanup. By the end of each workday, cleanup all off-site sediment deposits
13 or soil tracked off the project site. Flushing shall not be authorized, unless runoff is
14 treated before discharge from the project site.
- 15 o. Final site stabilization. All previously cropped areas where land disturbing activities
16 will not ~~be occurring~~ **occur** under the proposed grading plans, will be stabilized by
17 planting an erosion resistant cover, within 30 days of permit issuance, if within
18 acceptable regular or dormant seeding dates, or by May 1, if permit issued after
19 acceptable regular and dormant seeding dates have passed. Disturbed areas will be
20 stabilized with permanent vegetation within ~~seven~~ **fourteen (14)** days of final grading
21 and topsoil application. Large sites shall be staged with final grading and stabilization
22 completed with each stage. Any soil erosion that occurs after final grading or
23 application of stabilization measures must be repaired and the stabilization work
24 redone.
- 25 p. Removal of temporary construction site erosion control measures. ~~Remove and restore~~
26 ~~location of a~~All temporary best management practices, such as silt fences, sediment
27 traps, ditch checks, bale barriers, **will be removed** as soon as all disturbed areas have
28 been stabilized. A disturbed area shall be considered stabilized when a perennial cover
29 has been established with a density of at least 70 percent.

30 (5) Erosion and sediment control plan contents. The following shall be the minimum narrative
31 and computations requirements included in the erosion and sediment control plan:

- 32 a. ~~The name(s) and address(es) of the owner, developer and/or the responsible party of~~
33 ~~the site, contractor(s), of any consulting firm retained by the applicant, together with~~
34 ~~the name of the applicant's principal contact.~~

35 **The names and contact information for the following project site representatives:**

- 36 **1. The landowner, developer and/or the responsible party.**
- 37 **2. The preparer of the construction site erosion and sediment control plan.**
- 38 **3. The person(s) responsible for the implementation and monitoring of the**
39 **construction site erosion and sediment control plan.**
- 40 **4. The grading contractor.**
- 41 **5. The general contractor**
- 42 **6. The landscape contractor**

7. Other project representatives requested by the Walworth County Land Conservation Division Staff.

- b. Narrative describing the existing conditions of the site and a description of the nature and purpose of the land ~~describing~~ **disturbing** activity, **including representation of the limits of the land disturbance shown on scaled site plan.**
 - c. **Description of the intended** ~~Construction~~ **construction** timeline, **phasing** and sequencing, including stripping and clearing, rough grading, construction of utilities, infrastructure and buildings, 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 temporary stabilization and permanent vegetation.
 - d. Estimates of the total area of the site and the total area of the site that is expected to be disturbed by construction activities.
 - e. Estimates including calculations, ~~if of any of~~ the runoff coefficient of the site before and after construction activities are completed.
 - f. Calculations to show **compliance with the performance standard in Section 26-58 (b) (2) of this ordinance.** ~~and the expected percent reduction in the average annual sediment load carried in runoff as compared to no sediment or erosion controls.~~
 - g. Existing data describing the surface soil as well as subsoils.
 - h. Depth to groundwater, as indicated by the **Soil Survey Report published** by ~~natural resources conservation service~~ **USDA Natural Resources Conservation Service** soil survey report or other available sources.
 - i. Name of the immediate named receiving water.
 - j. **Photographs of the parcel site to document the current conditions of the parcel or site subject to the permit application.**
- (6) Site map. The erosion and sediment control plan shall include the following features **labeled** on a site map. The site map shall include the following items and shall be at a scale of not more than ~~100~~ **40** feet per inch and a contour interval not to exceed two feet.
- a. North arrow, graphic scale, draft date, name and contact information for project engineer or planner and designation of source documents for all map features.
 - b. Existing and proposed site topography at contour intervals not to exceed two feet, proposed percent slope for all open channels and side slopes and all proposed runoff discharge points from the site.
 - c. Existing ~~topography~~, vegetative cover, natural and engineered drainage systems, and roads. Lakes, streams, wetlands **boundary lines, concurred by the WDNR or the ACOE or delineated by a WDNR assured delineator**, channels, ditches and other watercourses on and immediately adjacent to the site shall be shown. Any 100-year floodplains shall also be shown.
 - d. ~~Proposed b~~**B**uilding envelopes, if proposed, and boundary of the **construction site** ~~proposed land disturbance~~ and the boundary of area to be undisturbed.
 - e. Drainage patterns and approximate slopes anticipated after major grading activities.

- 1 f. Location of existing and proposed utilities and associated easements, if present.
- 2 g. Temporary access drive(s), surfacing material.
- 3 h. Temporary flow diversion devices, if needed, for upslope or roof runoff until site is
- 4 stabilized.
- 5 i. Temporary sediment trapping devices and protection for inlets to culverts and storm
- 6 drains, if present.
- 7 j. Temporary sediment basin(s) or other BMPs to be used for site dewatering during
- 8 utility or other subsurface work or other site work.
- 9 l. Temporary soil stockpile storage locations indicating setbacks from nearby water
- 10 resources or environmental corridors and the proposed erosion protection methods.
- 11 m. Detailed drawings and cross-sections for any sediment traps, sediment basins or other
- 12 major cut or fill areas requested by the ~~county land conservation division~~ **Walworth**
- 13 **County Land Conservation Division** showing side slopes and elevations.
- 14 n. Final stabilization measures for open channels and erosion protection for pipe and
- 15 channel inlets, outlets and emergency spillways.
- 16 o. Location of proposed utilities, including: standard cross-section for buried utilities,
- 17 associated easements, labeling the type of utility and notes on erosion control and
- 18 restoration plans.
- 19 p. Final **landscaping plan and** site stabilization instructions for all disturbed areas,
- 20 showing areas to be stabilized in acres, or square feet, depth of applied topsoil, seed
- 21 mixture, rates and seeding methods, fertilizer, sod, **tree and shrub plantings, and**
- 22 erosion matting specifications, maintenance requirements until plants are well
- 23 established, and other BMPs used to stabilize the site.
- 24 q. Detailed construction notes clearly explaining all necessary procedures to be followed
- 25 to properly implement the plan, including estimated starting date of grading, timing
- 26 and sequence of construction or demolition, any construction stages or phases, utility
- 27 installation, dewatering plans, refuse disposal, inspection requirements, and the
- 28 installation, use, and maintenance of best management practices proposed in the plan.
- 29 r. Location of soil evaluations, if conducted, with surface elevations and unique
- 30 references to supplemental soil evaluations report forms in accordance with this ~~article~~
- 31 **ordinance**. Also show estimated seasonal water table depths and soil textures down to
- 32 planned excavation depths, which may be on a separate map with sufficient references
- 33 to the proposed site plan.
- 34 **s. The location of any proposed building or dwelling, and any accessory building,**
- 35 **parking area, driveways, walkways, wells, sanitary disposal systems or other**
- 36 **structures proposed.**
- 37 **t. Affix the drafting date and name of the plan preparer to the site plan.**

38 Sec. 26-67. - Financial guarantee.

- 39
- 40 (a) The ~~county land conservation division~~ **Walworth County Land Conservation Division** may
- 41 require the responsible party ~~of~~ obtain proof of financial assurance as a condition of the
- 42 approval of a permit to conduct land disturbing construction activities.

- 1 (1) Purpose: In order to insure compliance with this ordinance, the ~~land conservation division~~
2 **Walworth County Land Conservation Division** may require the **landowner or the**
3 responsible party to submit proof of financial assurance or guarantee such as an
4 **irrevocable** letter of credit, posted bond or cash escrow, in a form approved by the county
5 land conservation division. A written agreement will give the ~~county land conservation~~
6 ~~division~~ **Walworth County Land Conservation Division** the authority to use the funds to
7 complete or maintain the ~~storm water management~~ construction site erosion and sediment
8 control best management ~~construction~~ **practices** on the site **necessary and approved**
9 to comply with this ~~article~~ **ordinance**.
- 10 (2) Amount: The amount of the financial guarantee shall not be less than the cost of
11 implementing the erosion and sediment control plan for a land disturbing construction
12 activity subject to this ~~article~~ **ordinance**.
- 13 (3) Duration: Surety must be provided for the length of the project plus one growing season.
14 Keeping the surety current at all times by renewal shall be the responsibility of the
15 responsible party. At a minimum, any part of a surety renewal series shall cover all phases
16 of the plan from the clearing and stockpiling operations to final grading and landscaping for
17 a period of not less than two years.
- 18 (4) Security: Each financial guarantee shall be accompanied by a written agreement outlining it
19 purpose, applicable amounts and all the conditions for the release. The required surety will
20 give the ~~county land conservation division~~ **Walworth County Land Conservation**
21 **Division** the authority to use the funds to complete erosion and sediment control best
22 management practices, if the ~~developer~~ **landowner or the responsible party** defaults or
23 does not properly implement the approved plan.
- 24 (5) Recording: This agreement shall be recorded in the county register of deeds office prior to
25 issuance of a permit and shall be effective for a sufficient time period to perform the
26 activities required, make the appropriate inspections and approve the final installation. The
27 ~~county land conservation division~~ **Walworth County Land Conservation Division** may
28 extend the agreement beyond its original expiration date if necessary due to unexpected or
29 unforeseen circumstances beyond the control of **the landowner or** the responsible party.
- 30 (6) Conditions for release of the financial guarantee: The ~~county land conservation division~~
31 **Walworth County Land Conservation Division** shall release the portion of the financial
32 guarantee established under this section, less any cost incurred by the county land
33 conservation division to bring the project site into compliance with this ordinance, after
34 submission of "as-built plans" by a professional engineer licensed in the state. The ~~county~~
35 ~~land conservation division~~ **Walworth County Land Conservation Division** may make
36 provisions for partial pro-rated release of the financial guarantee based on the completion
37 of various stages of the approved plan and the land disturbing construction activities.
- 38 (7) Violations of performance security requirements shall be enforceable pursuant to section
39 26-68 of this ~~article~~ **ordinance**.
- 40 (8) Exemption. Publicly funded land disturbing activities are exempt from providing financial
41 assurance.
- 42
43
44

1 Sec. 26-68. - Enforcement, violations and penalties.

2 The landowner or the responsible party is subject to the following enforcement actions and
3 penalties, if land disturbing construction activities are found to be in violation with this ~~article.~~
4 **ordinance.**

5 (1) ~~Notice of compliance~~ **to comply** ~~and~~ **or notice of noncompliance.** A notice of compliance
6 **to comply** or notice of noncompliance with this code **ordinance** ~~shall be written on the~~
7 ~~building permit and posted at the job site~~ **shall be issued to the landowner or/or**
8 **responsible party.** Upon a finding of noncompliance, the ~~County Soil Erosion Inspector~~
9 **Walworth County Land Conservation Division** shall notify the applicant of record and
10 the owner, **landowner and/or the responsible party,** in writing, of the violations to be
11 corrected. The time period allowed for compliance with the erosion and sediment control
12 provisions of this code shall be based on the severity of the noncompliance in relation to
13 soil loss or potential damage to the waters of the state or adjacent properties.

14 (2) Stop-work and cease and desist orders. The County may issue a special order directing the
15 immediate cessation of work ~~on a one or two family dwelling~~ until the necessary plan **and**
16 **permit** approval is obtained or until the site complies with the erosion and sediment
17 control provisions of this code **ordinance.** Any person who continues to work **on a project**
18 **site** ~~on a one or two family dwelling~~ after being given written notice to stop-work or cease
19 and desist order shall be in violation of this ~~article~~ **ordinance.** Construction may resume
20 once the erosion and sediment control compliance corrections are completed.

21 (3) Ordinance citations. Any person violating any provisions of this ~~article~~ **ordinance** shall be
22 subject to forfeiture in accordance with chapter 14 of the County Code of Ordinances for
23 each violation. Each day a violation exists shall constitute a separate offense.

24 (4) Injunction. Compliance with the provisions of this ~~article~~ **ordinance** may also be enforced
25 by injunction, or other legal proceedings

26 (5) Suspension or revocation of permit. The county may suspend or revoke any state uniform
27 building permit where it appears that the permit was obtained through fraud or deceit,
28 where the applicant has willfully refused to correct a violation order, or where the county
29 soil erosion inspector is denied access to the premises.

30 (6) Ten days after posting a stop work order, the ~~county land conservation division~~ **Walworth**
31 **County Land Conservation Division** may issue a notice of intent to the landowner or the
32 responsible party of the county land conservation division's intent to perform work
33 necessary to comply with this ~~article~~ **ordinance.** The ~~county land conservation division~~
34 **Walworth County Land Conservation Division** may go on the land and commence the
35 work after 14 days from issuing the notice of intent. The costs of the work performed by the
36 county plus interest at the rate authorized by the ~~county land conservation division~~
37 **Walworth County Land Conservation Division** shall be billed to the permittee or the
38 landowner. If a permittee or landowner fails to pay the amount due, the ~~county clerk~~
39 **Walworth County Clerk** shall enter the amount due on the tax rolls and collect as a
40 special assessment against the property pursuant to Wis. Stats. § 66.0701.

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1 Sec. 26-69. - Compliance inspection fees.

2
3 (a) The ~~county land conservation division~~ **Walworth County Land Conservation Division** may
4 assess an inspection fee, to cover the cost to conduct a site inspection performed by the division
5 staff to assess the status of a project site in violation of this ~~article~~ **ordinance**.

6 (1) The inspection fee shall be established by the ~~county board of supervisors~~ **Walworth**
7 **County Board of Supervisors**-, pursuant to chapter 30 of the County Code of Ordinances.
8 The **landowner** or the ~~Responsible parties~~ **responsible party** subject to an inspection fee,
9 ~~are~~ **is** limited to those where formal enforcement action has been undertaken and the
10 **landowner and/or the** responsible party has been issued a notice of non-compliance, **a**
11 **notice to comply**, an ordinance citation, a cease and desist order, or is under an order or
12 judgment issued by a court with jurisdiction.

13
14 DIVISION 4. - **REGULATIONS CONSERVATION STANDARDS** FOR POND
15 CONSTRUCTION AND CONSTRUCTION OF RETAINING WALLS

16
17 Sec. 26-70. - Pond regulations.

18 (a) Pond construction and pond maintenance requires a ~~land disturbance~~ **construction site** erosion
19 and sediment control permit and if applicable, a **Walworth County** zoning permit. ~~Land~~
20 ~~disturbance~~, **Construction site** erosion and sediment control permit applications and plans are
21 reviewed by the ~~county land conservation division~~ **Walworth County Land Conservation**
22 **Division**, while zoning permit applications are reviewed by the ~~county zoning division~~
23 **Walworth County Zoning Division**. Pond design, construction and maintenance must ~~be~~
24 ~~consistenee~~ **comply** with ~~county~~ **Walworth County** conservation standards and the following
25 criteria:

26 (1) Ponds proposed to be constructed in wetlands must meet ~~county~~ **Walworth County**
27 conservation standards for wetland enhancement, wetland restoration, wetland wildlife
28 habitat management, or other conservation practice standards approved by the ~~county land~~
29 ~~conservation division~~ **Walworth County Land Conservation Division**. Shallow wildlife
30 ponds have a maximum depth of four feet with eight to one side slopes and do not provide
31 for more than 20 percent open water within a wetland. Wildlife ponds may not be
32 constructed across a wetland boundary with a deeper portion proposed outside of the
33 wetland. Wildlife ponds may not have a significant adverse effect on the natural hydrologic
34 water regime, existing unique plant wetland flora and fauna, of a wetland area and must be
35 a wetland enhancement.

36 (2) Pond construction and maintenance in uplands and agricultural lands are not required to
37 meet specific dimensional limitations or requirements, but shall incorporate safety features,
38 consistent with ~~county~~ **Walworth County** construction standards.

39 (3) Spoils excavated for pond construction or pond maintenance may not be disposed of in any
40 ~~county regulated~~ wetland area, floodplain or within any shoreyard, as determined by the
41 ~~county zoning division~~ **Walworth County Zoning Division**.

42 (4) If a pond is proposed to be constructed in a floodplain area, the applicant must demonstrate
43 that the project restores or improves functional values **of the floodplain**, including
44 increasing flood and storm water storage, maintaining groundwater recharge **and/or**
45 discharge, enhancing fisheries and wildlife habitat, improving filtration or storage of

1 sediments, nutrients, and toxins, improving shoreline protection against erosion, and any
2 additional wetland functional values. The enhancement of functional values of a floodplain
3 may not be conducted as part of a mitigation plan for loss of wetlands.

4 (5) Spoils from pond construction may not be hauled off-site or sold without obtaining proper
5 zoning and conditional use approvals ~~or land disturbance~~ a construction site erosion and
6 sediment control permit and plan approval. Exporting excavated material may be
7 considered mining and subject to the Walworth County Nonmetallic Mining
8 Reclamation Ordinance, contained in Chapter 26, Article VI of the Walworth
9 County Code of Ordinances.

10 (6) The applicant must obtain conditional use approval for placing fill in the floodplain.

11 (7) The landowner ~~or the responsible party~~ must obtain all approvals required by the ~~state~~
12 ~~department of natural resources,~~ Wisconsin Department of Natural Resources, U.S.
13 Army Corps of Engineers and local agencies prior to commencing pond construction within
14 the ~~county~~ Walworth County.

15 (8) Site specific guidelines may be established during the review and approval process which
16 are more restrictive, based on unique characteristics of project site.

17 (b) Pond construction permit requirements, application procedures and fees and plan requirements.

18 (1) Permit required. No person shall commence pond construction or pond maintenance,
19 subject to this ~~article~~ ordinance, without receiving prior approval and obtaining a ~~land~~
20 ~~disturbance/~~ construction site erosion and sediment control permit for pond construction
21 from the ~~county land conservation division.~~ Walworth County Zoning Division.

22 (2) Permit application and fees. Prior to undertaking a land disturbing activity for the
23 construction of pond or conducting pond maintenance, subject to this ordinance, the
24 landowner ~~or responsible party~~ shall submit an application for a permit, and submit a pond
25 construction plan, construction site erosion and sediment control plan that meets the
26 requirements of section 26-65 of this ~~article~~ ordinance and shall pay ~~an~~ a permit
27 application fee, referenced in section 26-62 of this ~~article~~ ordinance. By submitting an
28 application, the ~~applicant~~ landowner is authorizing the ~~county land conservation division~~
29 Walworth County Land Conservation Division staff to enter the site to obtain
30 information required for the review of the project plan

31 (3) The pond construction plan shall be prepared and submitted to the ~~county land conservation~~
32 ~~division~~ Walworth County Land Conservation Division and include the following:

33 a. A project site plan map, drawn to scale, with the following information and details:

- 34 1. Location and dimensions of all planned land disturbing activities, including the
35 location of any spoil spreading.
- 36 2. The location of any lake, stream, channel, ditch, pond, wetland boundary lines,
37 concurred by the WDNR or the ACOE or delineated by a WDNR assured
38 delineator waterway or 100-year floodplain line near the project site.
- 39 3. Location of property boundaries to insure proposed pond is set-back from the
40 property line.
- 41 4. Location and direction of drainage patterns flowing onto or through the project
42 site.

- 1 5. Site grading plan, showing the existing and proposed contours and elevations of
2 the pond and spoil spreading areas.
- 3 6. The project site construction access roadway.
- 4 7. If the proposed pond is an embankment pond, show the location and elevation of
5 the embankment and the locations and elevations of the inlet and outlet of the
6 principal and emergency spillways, if planned.
- 7 8. Location of all construction site erosion and sediment control practices necessary
8 during pond construction, pond maintenance or spoil spreading activities,
9 consistent with section 26-58 of this article.
- 10 9. Methods to handle, store, de-water and transport spoil material.
- 11 b. Pond construction details, specifications, and design documentation, including, but not
12 limited to:
 - 13 1. Soil boring logs, if conducted.
 - 14 2. Cross-sections of planned pond excavation.
 - 15 3. If pond is constructed using an embankment, the following details must be
16 prepared and submitted:
 - 17 A. Design computations.
 - 18 B. Profiles along centerline of embankment.
 - 19 C. Cross-sections along principal and emergency spillway.
 - 20 ~~4. D.~~ **4.** Pond ~~lining~~ **liner** specifications, if used.
 - 21 ~~5. E.~~ **5.** Material and construction specifications for excavation, fill, conduits, pipes or
22 other materials used for pond construction.
- 23 (c) Project construction schedule and sequencing plan, including the anticipated starting date of
24 each phase of construction, including the installation of erosion and sediment control measures
25 and final site ~~restoration~~ **stabilization** for the pond construction or maintenance and the spoil
26 spreading areas.
- 27 (d) A site ~~restoration~~, **stabilization**, vegetation and landscaping plan for the pond site and the spoil
28 disposal areas, describing **top soiling**, seeding mixture and rate **of application, and if used**,
29 erosion control matting specifications, mulching type and application rate and any special
30 planting.
- 31 (e) Project narrative describing the purpose and intent of the pond construction or maintenance and
32 the type of equipment **that will be used to construct the pond or perform pond**
33 **maintenance.**
- 34 (f) A pond maintenance plan, specifying inspection and maintenance tasks and intervals.
- 35 **(g) Copies of any required State and/or Federal Permits.**

36
37
38
39

1 Sec. 26-71. - Retaining walls regulations.
2

3 (a) When land disturbing activities associated with the construction or reconstruction of retaining
4 walls or terraces are regulated by the ~~county zoning division~~ **Walworth County Zoning**
5 **Division**, pursuant to chapter 74 ~~167~~ of the Walworth County Code of Ordinances and subject
6 to this ~~article~~ **ordinance** the following requirements apply:

7 (1) Only the minimum excavation necessary for the installation of retaining walls for
8 stabilization of the natural slopes will be authorized.

9 (2) ~~All~~ **The location and use of** retaining walls must meet ~~county setback~~ **requirements the**
10 **Walworth County Zoning Code requirements contained in Chapter 74 of the**
11 **Walworth County Code of Ordinances.**

12 (3) All retaining walls constructed for slope stabilization with a height greater than four feet,
13 shall be designed and certified by a professional engineer, licensed in the state of
14 Wisconsin, unless pre-engineered products are used and installation complies with
15 manufacturer's specifications.

16 (4) No change in the existing topography of any land shall be made which would result in
17 increasing any slope greater than three feet horizontal to one foot vertical.

18 (5) New retaining walls and terracing proposed within the shoreyard setback area, as
19 referenced in section ~~74-167~~ of the ~~County Code of Ordinances~~ **Walworth County**
20 **Shoreland Zoning Ordinance** will only be authorized where the landowner or responsible
21 party can successfully prove ~~to the county land conservation division or the department of~~
22 ~~natural resources~~ with an engineering report prepared in accordance with section 26-74~~2~~(c),
23 there is a current erosion problem that cannot be remedied or repaired by re-sloping and re-
24 vegetation of the area or the use of other means and methods consistent with natural
25 shoreline aesthetics.

26 (6) Retaining walls, when authorized in the shoreyard setback, will be shielded **from the water**
27 **with a diversity of** native vegetation, if site conditions are suitable for establishing
28 vegetation.

29 Sec. 26-72. - Retaining wall **construction** permit application requirements, procedures and
30 application fees.
31

32 (a) Permit required. No person shall commence land ~~disturbance~~ **disturbing** activities for retaining
33 wall construction, **removal** or replacement, subject to this ~~article~~, **ordinance** without receiving
34 prior approval and obtaining a ~~land disturbance~~, construction site erosion and sediment control
35 **permit** from the ~~county land conservation division~~ **Walworth County Land Conservation**
36 **Division.**

37 (b) Permit application and fees. Prior to undertaking a land disturbing activity for the construction
38 or reconstruction of retaining walls, subject to this ordinance, the landowner ~~or responsible~~
39 ~~party~~ shall submit an application for a permit on a form provided by the ~~county~~ **Walworth**
40 **County**, a permit application fee, a retaining wall construction plan, a construction site erosion
41 control and sediment control plan that meets the requirements of section 26-66, and an
42 engineer's report, as referenced in section ~~26-70(3)~~ 26-72(c), ~~and prepared by a professional~~
43 ~~engineer, licensed in the state, certifying that construction or reconstruction of a retaining wall~~
44 ~~meets the requirements in section 26-72(a)(5)~~

- 1 (c) Engineering report. New construction and reconstruction of retaining walls within the
2 shoreyard setback will not be authorized, unless a professional engineer, licensed in the State
3 of Wisconsin, has conducted an on-site inspection and evaluation, considered the site
4 conditions, limitations and opportunities, **and certified that the construction or**
5 **reconstruction of the retaining wall(s) meet the requirements in section 26-71 (a) (5). The**
6 **following findings shall be made and submitted to the Walworth County Land**
7 **Conservation Division.** ~~documented and certified the following findings and certifying that~~
8 ~~construction and reconstruction of retaining walls meets the requirements in section 26-72(a)(5)~~
- 9 (1) A slope erosion or failure analysis, including field surveys and **site** exploration, **concludes**
10 that ~~indicates~~ an erosion problem is present on the site **and the construction or**
11 **replacement of the retaining walls are needed.**
- 12 (2) The cause of the slope erosion or **failure or reason for the replacement.**
- 13 (3) The re-sloping and re-vegetation options **were** considered, including the use of **vegetation,**
14 erosion control matting and other geo-textile remedies.
- 15 (4) A construction plan and construction details for the **proposed** retaining wall(s), ~~if~~
16 ~~determined and to be the only remedy for the documented erosion problem.~~

17
18
19
20 DIVISION 5. CONSERVATION STANDARDS AND CONSERVATION PLAN APPROVAL
21 FOR ~~VEGETATION REMOVAL~~, VEGETATION MANAGEMENT, **AND VEGETATED**
22 **BUFFERS.**

23
24 Sec. 26-73. - Conservation standards for vegetation ~~removal~~ **management and vegetated buffers.**

25
26 **(a) Vegetation removal regulated by Walworth County Zoning Division, shall be conducted in**
27 **accordance with Walworth County conservation standards to prevent erosion and**
28 **sedimentation, preserve natural and scenic beauty and protect wildlife habitat. When**
29 **approved for removal, vegetation shall be replaced with other vegetation that is equally**
30 **effective in minimizing runoff and erosion and preserving or improving natural shore beauty**
31 **and habitat for wildlife.**

32
33 **(b) Vegetated buffers, approved as a component of a mitigation plan approved by the**
34 **Walworth County Zoning Division, shall be established in accordance with Walworth County**
35 **conservation standards. The location, dimensions and composition of the vegetated buffer,**
36 **shall be approved by the Walworth County Zoning Division. The Walworth County Zoning**
37 **Division may determine that vegetated buffer must consist of native plant species.**

38
39 **(c)** County conservation standards include those applicable planning and design criteria, standards
40 and specifications for a soil and water conservation practice or a system of practices. Conservation
41 standards establish the minimum level of acceptable quality for planning and site assessment,
42 performance, design, installation, operation and maintenance for land and water conservation and
43 management practices. Conservation standards may reference companion documents for design and
44 construction methods, testing procedures, construction and material specifications and other criteria

1 necessary to ensure the appropriate design, installation and maintenance of a conservation practices.
2 Conservation practice standards include those contained in:

- 3
- 4 (1) Subchapter V of ch. NR 151, Wis. Adm. Code.
- 5 (2) Section IV of the Field Office Technical Guide, Technical Notes and Field Office Manuals
6 published by the USDA Natural Resource Conservation Service.
- 7 (3) **Program guidance or** ~~Other~~ technical standards and specifications adopted by the State
8 Standards Oversight Council, other state or local agencies or organizations, the Wisconsin
9 Department of Natural Resources, the Wisconsin Department of Transportation, the
10 University of Wisconsin Cooperative Extension Service, the Southeastern Wisconsin
11 Regional Planning Commission ~~or the Center for Watershed Protection~~ and approved by
12 the county land conservation division.

13
14 Sec. 26-74. – Conservation Plans for Vegetation-Removal **Management and Vegetated Buffers.**

15
16 **(a) Conservation plan for vegetation management.**

17
18 ~~If the county zoning division~~ **When the Walworth Zoning Division** determines a proposed
19 vegetation removal activity requires a permit and conservation plan approval, pursuant to chapter 74
20 of the **Walworth** County Code of Ordinances, the landowner ~~or the responsible party~~ shall prepare
21 and submit a conservation plan to the ~~county land conservation division~~ **Walworth County Land**
22 **Conservation Division** for approval. A conservation plan for vegetation removal activities includes
23 site-**specific** plan maps, narratives, drawings, job sheets or other instructions and details ~~of the~~
24 ~~treatment area(s).~~ **for the area(s) where vegetation removal will be conducted.** The following
25 information or documents are the minimum requirements for the preparation of a conservation plan
26 for ~~an~~ the area(s) proposed for removal of vegetation.

- 27
- 28 (1) Description of the intended purpose of the proposed vegetation removal, (ex. water view or
29 access corridor, manage noxious weeds **or** invasive plants, ~~and woody plants~~, restore
30 natural plant community balance, etc.) and the method of treatment, (ex. manual removal,
31 chemical treatment, biological treatment, controlled burn).
- 32 (2) A ~~s~~**S**caled site maps ~~showing~~ **labeled with** the location(s) of the proposed vegetation
33 removal, (treatment area). Mark and label, the 35-foot line from the ordinary high water
34 mark of the body of water, if present. Identify and label stairways, pathways, piers or other
35 structures, if present **or proposed** on the parcel. ~~Show~~ **Label** areas to be left undisturbed.
- 36 (3) Existing species description (by scientific name), distribution and count, transect line
37 location and number and description of the targeted tree, shrub and forb species to be ~~cut~~
38 ~~and cleared~~ **removed.**
- 39 (4) Photographs of the project site.
- 40 (5) Describe and ~~include~~ instructions ~~for~~ **of** the proposed treatment methods:
 - 41 a. Type(s) of equipment used.
 - 42 b. Schedule and sequence of treatment tasks and procedures.

- c. Herbicide name, if used, rate of application, date of application, mixing instruction, (if applicable reference to label instructions).
 - d. Biological agent, if used, timing, duration and intensity of grazing or browsing, **and** requirements when using ~~inspects~~ **insects** or plants as control agents.
 - e. A prescribed burn plan, if proposed, complying with county conservation standards.
- (6) Identify methods and locations for the disposal of cut vegetation.
 - (7) On a site plan map, locate and label access sites to the treatment areas on the project site plan. If a new permanent or temporary driveway or project access road is proposed, follow permit application instructions for a driveway/roadway permit.
 - (8) On a site plan map, locate and label all erosion and sediment control best management practices to be used on the treatment area, these methods can include, mulching, **silt fences or other perimeter control and containment measures** ~~fencing filter fabric fencing~~, geotextile covering or matting.
 - (9) Replanting plan.
 - a. Replanting location(s) shown on a scaled site plan.
 - b. Listing and distribution ~~by~~ **of**-species (by scientific name **and common name**) density, and maturity.
 - c. Planting methods, including site preparation instructions.
 - d. Mulching or matting specifications, **if used**.
 - e. Planting schedule.
 - f. Care and handling of plant materials
 - g. Watering or irrigation plan.
 - (10) Evaluation and maintenance plan. Include a narrative to insure that sufficient monitoring and maintenance of the treatment area is undertaken and spot treatment or ~~re-treatment~~ **replanting** is conducted, **if needed**.
 - (11) Treatment areas with severe or limiting site conditions, such **steep** slopes, **erodible** soils, or wetness, may require additional site planning information and considerations.

(b) Conservation Plan for Vegetated Buffers

When the Walworth County Zoning Division approves a vegetated buffer as a shoreland mitigation measure on a parcel, the landowner shall prepare and submit a conservation plan for the establishment of the vegetated buffer to the Walworth County Land Conservation Division for approval. A conservation plan includes site-specific plan maps, narratives, drawings, job sheets or other instructions and details for the establishment of the vegetated buffer. The following information and documents are the minimum requirements for the preparation of a conservation plan for the establishment of a vegetated buffer.

- (1) Scaled site map(s) showing the location(s) and dimensions of the proposed vegetated buffer and description of the existing vegetation or surface cover present. Mark and**

1 label, the ordinary high water mark of the body of water, if present. Identify and label
2 stairways, pathways, piers and other structures, if present or proposed on the parcel.

3 (2) Describe the condition and composition of the existing plant cover, if present, that
4 will be replaced within the proposed vegetated buffer.

5 (3) Provide photographs of the proposed vegetated buffer project site.

6 (4) On a site plan map, locate and label access sites used to establish the proposed
7 vegetated buffer. If a new permanent or temporary driveway or project access road is
8 proposed, follow permit application instructions for a construction site erosion control
9 permit for driveway/roadway construction.

10 (5) On a site plan map, locate and label all erosion and sediment control best
11 management practices to be used during the establishment of the vegetated buffer.
12 The methods include, but are not limited to mulching, silt fences, geo-textile covering
13 or matting.

14 (6) Planting plan. The planting plan for the establishment of a vegetated buffer will
15 include:

16 a. A site plan labeled with the distribution and density of the plant species to be
17 planted, by scientific and common name.

18 b. A listing of the plant species and quantity, by scientific and common name.

19 c. Planting methods, including site preparation instructions.

20 d. The herbicide name, if used, and the method and rate of application.

21 e. Mulching and/or matting specifications, if used.

22 e. A planting schedule.

23 f. Care and handling of plant materials

24 g. Watering or irrigation plan.

25 (7) Evaluation and maintenance plan. A narrative with monitoring and maintenance
26 specifications to insure the long-term viability of the vegetated buffer shall be
27 prepared and will include specifications for weed management and replacement of
28 plantings, if needed.

29 (8) Buffer locations with severe or limiting site conditions, such as steep slopes, erodible
30 soils, or wetness, may require additional site planning information and
31 considerations.

32
33 Sec. 26-75. Conservation plan approval required.
34

35 (a) (1) Vegetation removal activities, if regulated by the Walworth County Zoning Division,
36 cannot commence without the approval of a conservation plan by the Walworth County
37 Land Conservation Division.

38 (2) A vegetated buffer, approved as a mitigation element, pursuant to Walworth County
39 Zoning Standards, contained in section 74 of the Walworth County Code of Ordinances,

1 shall be established according to a conservation plan approved by the Walworth County
2 Land Conservation Division.

3
4 (b) If the ~~zoning division~~ Walworth County Zoning Division determines that a proposed
5 vegetation removal or the establishment of a vegetated buffer requires a conservation plan
6 approved by the county land conservation division, Walworth County Land Conservation
7 Division. the landowner ~~or the responsible party~~ will prepare and submit a conservation plan
8 complying with the conservation standards contained in section ~~26-71~~ 26-73 of this ordinance
9 and the conservation plan requirements contained in section ~~26-72~~ 26-74 of this ordinance.

10 (c) The conservation plan and a completed conservation plan approval application, on a form
11 provided by Walworth County, will be submitted to the Walworth County Land
12 Conservation Division with the zoning permit application ~~with~~ and the plan approval
13 application fee, pursuant to article VII, fees and funds, chapter 30 of the County Code of
14 Ordinances.

15 By submitting an application for conservation plan approval, the landowner is authorizing
16 the Walworth County Land Conservation Division staff permission to enter the project
17 site to obtain information required for the review of the project plan.

18 Within 30 days of receipt of the conservation plan, the ~~county land conservation division~~
19 Walworth County Land Conservation Division will determine if the conservation plan
20 meets the conservation standards listed in Section 26-73 of this ordinance and the plan
21 requirements listed in Section 26-74 of this ~~article~~ ordinance and will issue a conservation plan
22 approval letter. The conservation plan approval may include conditions that may be binding
23 with the Walworth County zoning permit approval.

24
25
26 **Part III. That Division 6 for Article II of Chapter 26 of the Walworth County Code of**
27 **Ordinances is hereby created to read as follows, (additions are shown in bold and underlined)**
28
29

30 **DIVISION 6. - CONSERVATION STANDARDS AND PLANS FOR PERMEABLE**
31 **SURFACES.**

32
33 **Sec. 26-76**

34
35 **(a) Definition and purpose. Permeable surfaces are land surfaces that allow storm water to**
36 **filter or move through the surface and into the soil or into a base or subbase reservoir.**
37 **Permeable surfaces complying with Walworth County conservation standards, promote storm**
38 **water infiltration, groundwater recharge and reduce the discharge of pollutants to surface**
39 **waters.**

40
41 **(b) County conservation standards for permeable surfaces. Conservation practice and technical**
42 **standards applicable for permeable surfaces are contained the following documents:**

- 43
44 **(1) WNRD Conservation Practice Standard #1008, for “Permeable Pavement,”**
45 **WDNR Conservation Practice Code #1002 for “Site Evaluation for Storm Water**

1 **Infiltration,” or other technical standards developed or revised under the process**
2 **described in Subchapter V, NR 151, Wis. Adm. Code.**
3

4 **(2) Program guidance or other technical standards and specifications adopted by the**
5 **State Standards Oversight Council, other federal, state or local agencies or**
6 **organizations, approved by the County Land Conservation Division, including the**
7 **Wisconsin Department of Natural Resources, the Wisconsin Department of**
8 **Transportation, the University of Wisconsin Cooperative Extension Service, and the**
9 **Southeastern Wisconsin Regional Planning Commission.**

10
11
12 **(c) Conservation plan for permeable surfaces.**
13

14 **When the Walworth County Zoning Division determines a permeable surface must be**
15 **established according to Walworth County conservation standards, the landowner or the**
16 **responsible party shall prepare a conservation plan for the construction and the maintenance**
17 **of the permeable surface(s). A conservation plan includes site-specific plan maps, narratives,**
18 **drawings, job sheets or other instructions and details for the establishment of the permeable**
19 **surface. The following criteria, information and documents are the minimum requirements**
20 **for the preparation of a conservation plan for the approval of the Walworth County Land**
21 **Conservation Division for the establishment of the permeable surface:**
22

23 **(1) A soil and site evaluation conducted in accordance with WDNR Conservation**
24 **Practice Standard 1002, “Site Evaluation for Storm Water Infiltration,” must be**
25 **performed and written documentation of the evaluation.**
26

27 **(2) The permeable surface must meet the setback distance from any privately**
28 **operated waste treatment system, POWTS, including the dispersal soil.**
29

30 **(3) The permeable surface can be no closer than 10 feet from any building**
31 **foundation.**
32

33 **(4) A scaled site plan labeled with the location(s), dimensions and the description of the**
34 **proposed permeable surface material.**
35

36 **(5) A design report, signed by a professional engineer, licensed in the State of**
37 **Wisconsin, to support infiltration design criteria and compliance with WDNR**
38 **Conservation Practice Standard 1008, “Permeable Pavement,” or other standards**
39 **approved by the Walworth County Land Conservation Division.**
40

41 **(6) Plans and specifications that identify materials, construction processes and**
42 **sequencing, location, size and elevations, plan views and cross-sections of the**
43 **permeable surface system, showing its shape, dimensions, grades, underdrain**
44 **locations and elevations, and depths of system components.**
45

1 (7) A construction site erosion and sediment control plan complying with the
2 performance standards listed in Sec. 26-58 of this ordinance and the plan
3 requirements listed in Sec. 26- 66 of this ordinance.
4

5 (d) Conservation plan approval for permeable surfaces. When the Walworth County Zoning
6 Division determines a permeable surface must be established according to County
7 Conservation Standards and approved by the Walworth County Land Conservation Division,
8 the landowner shall prepare and submit to the Walworth County Land Conservation Division,
9 the following:
10

11 (1) A complete conservation plan approval application, on a form provided by the Walworth
12 County.

13 (2) The conservation plan complying with plan requirements listed in Section 26-76 (c).

14 (3) A conservation plan approval fee, pursuant to article VII, fees and funds, chapter 30 of
15 the Walworth County Code of Ordinances.

16 By submitting an application for conservation plan approval, the landowner is authorizing the
17 Walworth County Land Conservation Division staff to enter the project site to obtain
18 information required for the review of the project plan

19 Within 30 days of receipt of the plan approval application and a complete conservation plan,
20 the County Land Conservation Division will determine if the conservation plan complies with
21 the conservation standards listed in Section 26-76 (b) of this ordinance and the plan
22 requirements listed in Section 26-76 (c) of this ordinance and will issue a conservation plan
23 approval letter. The conservation plan approval may include conditions that may be binding
24 with the Walworth County zoning permit approval.

25
26
27 **Part IV. That Division 7 for Article II of Chapter 26 of the Walworth County Code of**
28 **Ordinances is hereby created to read as follows, (additions are shown in bold and underlined)**
29
30

31 **DIVISION 7. - CONSERVATION STANDARDS AND CONSERVATION PLANS FOR**
32 **SHORELAND MITIGATION MEASURES**

33
34 **Sec. 26-77**
35

36 **(a) Definition and purpose. For the purposes of this ordinance, a shoreland mitigation**
37 **measure is a practice the Walworth County Zoning Division determines complies with the**
38 **County Shoreland Zoning Standards to off-set or compensate for the natural functions and**
39 **values that are lost when impervious surfaces are established or expanded. The following**
40 **shoreland mitigation measures are applicable to this ordinance:**

41
42 **1. Rain gardens.**

43 **2. Roof runoff collection systems..**

44 **3. Vegetated buffer.**

1 **4. Other storm water management measures approved by the County Zoning Division.**

2 **The purpose of establishing conservation standards and plans for shoreland mitigation**
3 **measures is to insure that shoreland measures, approved by the Walworth County Zoning**
4 **Division are planned, implemented and maintained according to Walworth County**
5 **Conservation Standards.**

6
7
8 **(b) County conservation standards for shoreland mitigation measures. Conservation practice**
9 **and technical standards applicable for shoreland mitigation are contained the following**
10 **documents:**

11
12 **(1) Technical standards developed or revised under the process described in**
13 **Subchapter V, NR 151, Wis. Adm. Code.**

14
15 **(2)USDA Natural Resource Conservation Service and published in the Field Office**
16 **Technical Guide, (FOTG) Technical Notes, and Field Office Manuals.**

17
18 **(3) Program guidance or other technical standards and specifications adopted by the**
19 **State Standards Oversight Council, other federal, state or local agencies or**
20 **organizations, approved by the County Land Conservation Division, including the**
21 **Wisconsin Department of Natural Resources, the Wisconsin Department of**
22 **Transportation, the University of Wisconsin Cooperative Extension Service, and the**
23 **Southeastern Wisconsin Regional Planning Commission.**

24
25 **(c) Conservation plan for the establishment, installation or construction of shoreland mitigation**
26 **measures.**

27
28 **(a) When the Walworth County Zoning Division determines a shoreland mitigation measure**
29 **must be approved by the Walworth County Land Conservation Division and established**
30 **according to Walworth County conservation standards, the landowner shall prepare a**
31 **conservation plan for the establishment and the maintenance of the shoreland mitigation**
32 **measure. A conservation plan includes site-specific plan maps, narratives, drawings, job**
33 **sheets or other instructions and details for the establishment of the of the mitigation measure.**
34 **The following information and documents are the minimum requirements for the preparation**
35 **of a conservation plan for approval by the Walworth County Land Conservation Division:**

36
37
38 **(1) A scaled site plan labeled with the location(s), dimensions and the description of the**
39 **proposed mitigation measure.**

40 **(2) Plans and specifications that identify materials, construction processes and**
41 **sequencing, location, size and elevations, plan views and cross-sections of the shoreland**
42 **mitigation measures, showing its shape, dimensions, grades, underdrain locations and**
43 **elevations, and depths of system components.**

44 **(3) A planting plan, if applicable, including the composition of the plant species,**
45 **planting rates, planting procedures and specifications for any the planting, including**
46 **planting schedule.**

1 (4) A construction site erosion and sediment control plan complying with the
2 performance standards listed in Sec. 26- 58 of this ordinance and the plan
3 requirements listed in Sec. 26- 66 of this ordinance.
4

5
6 (d) Conservation plan approval for shoreland mitigation practices.
7

8 When the Walworth County Zoning Division determines a shoreland mitigation must be
9 established according to County Conservation Standards and approved by the Walworth
10 County Land Conservation Division, the landowner shall prepare and submit to the Walworth
11 County Land Conservation Division, the following:
12

13 (1) A completed conservation plan approval application, on a form provided by Walworth
14 County.

15 (2) The conservation plan complying with plan requirements listed in Section 26-77 (c).

16 (3) A conservation plan approval fee, pursuant to article VII, fees and funds, chapter 30 of
17 the Walworth County Code of Ordinances.

18 By submitting an application for conservation plan approval, the landowner is authorizing the
19 Walworth County Land Conservation Division staff to enter the project site to obtain
20 information required for the review of the project plan

21 Within 30 days of receipt of the plan approval application and a complete conservation plan,
22 the Walworth County Land Conservation Division will determine if the conservation plan
23 complies with the conservation standards listed in Section 26-77 (b) of this ordinance and the
24 plan requirements listed in Section 26-77 (c) of this ordinance and will issue a conservation
25 plan approval letter. The conservation plan approval may include conditions that may be
26 binding with the Walworth County zoning permit approval.

27
28

