

Dane County's Erosion Control and Stormwater Management Ordinance

A Summary

Overview

As of August 22, 2002, revisions to Dane County's existing construction site erosion control ordinance are in effect.

Adopted in 2001 by the Dane County Board, the amended Chapter 14 now includes county-wide stormwater management standards which address the quantity and quality of the water that runs off of areas under construction in urban and rural areas and on farms. The ordinance also provides flexibility for landowners in how they meet those standards, in recognition of the unique characteristics of each project and every site.

The Erosion Control and Stormwater Management Ordinance:

- sets standards for the quality and the quantity of runoff from areas under construction in urban areas, rural areas and on farms, where alterations to the landscape and the creation of impervious surfaces result in changes in the amount and quality of water flowing off the site;
- encompasses existing erosion control standards which limit cumulative soil annual loss rate to 7.5 tons per acre;
- allows flexibility in meeting those standards to enable landowners and developers to take into account the unique characteristics of the site and their project;
- is administered by Dane County in unincorporated areas, and by municipal governments in cities and villages that have adopted standards as least as restrictive; and
- will be administered by Dane County in cities and villages that do not adopt, or are not effectively administering, county standards.

Stormwater Management: Key Provisions

Developed through an extensive process of input and review by technical experts, local officials and staff, engineers, builders and other stakeholders, the stormwater standards build on the success of, and complement, the county's existing erosion control standards. The following provisions apply to developments that add 20,000 square feet or more of impervious surface.

Quality

The stormwater standards establish soil loss limits for new developments, protect waters in particularly sensitive areas from thermal pollution and limit the amount of oil and grease contained in runoff from commercial or industrial developments.

The standards call for:

- an 80% reduction in the amount of sediment that washes from a newly developed site, as compared to the same site with no sediment control;
- a 40% reduction in the amount of sediment from a site being redeveloped, as compared to the same site with no sediment control;
- the builder or developer to take steps to treat oil and grease contained in runoff during the first ½ inch of runoff from areas where oil and grease pollution is possible; and
- the builder or developer to take steps to reduce the temperature of runoff from sites where water flows into rivers or streams designated by the Wisconsin Department of Natural Resources (DNR) as "coldwater communities."

Quantity

The ordinance sets a standard of no increase in the rate of runoff for a site after it has been developed as compared to before development, in the event of a 2-year and 10-year storm.

- Water leaving a site must be discharged to a stable outlet capable of carrying the designed flow at a rate that does not cause erosion.
- These water rate requirements were already in place for larger sites under the construction site erosion control ordinance.
- All downspouts, driveways and other impervious areas must be directed to pervious areas, where feasible.

Administration

The amended ordinance sets county-wide stormwater management standards and gives the necessary flexibility to local governments, builders and developers so that they can administer and meet those standards effectively and efficiently.

- The amended ordinance became effective county-wide on August 22, 2002.
- Administration in unincorporated areas (towns) is by the Dane County Zoning Administrator, in cooperation with the Dane County Conservationist.
- Administration in incorporated areas is by cities and villages, if they have adopted stormwater and erosion control standards at least as restrictive as in the county ordinance.

Stormwater Goals

The amended ordinance recognizes the differences among existing, new and redeveloped properties and, where appropriate, suggests goals as opposed to setting standards.

Although not required by the ordinance, the following standards ought to be met whenever possible:

- For existing development, reduce by 20% the amount of sediment that washes from the site as compared to the same site with no sediment control; and
- For street reconstruction, reduce by 40% the amount of sediment that washes from the site as compared to the same site with no sediment control.

Exemptions

Exemptions in the amended ordinance are tied to state and other program requirements.

Activities that are exempt include:

- any activity directly relating to planting, growing or harvesting of agricultural crops
- for construction site erosion control:
 - one and two family sites regulated under Wisconsin Uniform Dwelling Code
 - construction of public buildings, or buildings that are places of employment regulated by Wisconsin Department of Commerce (associated land disturbance must meet ordinance requirements)
- certain state building projects and highway projects

Criteria for Applying the Ordinance

The Dane County erosion control and stormwater management ordinance applies county-wide and brings consistency to what is was a patchwork of regulations among Dane County's towns, cities and villages.

An **erosion control permit** is required, and construction site erosion control standards apply, to any of the following:

- land disturbance more than 4000 square feet;
- land disturbance on a slope more than 12%;
- land disturbance involving excavation and/or filling more than 400 cubic yards of material;
- land disturbance of more than 100 lineal feet of road ditch, grass waterway, or other area where surface drainage flows in defined, open channels;
- new public or private roads or access drives longer than 125 feet;
- development that requires a subdivision plat; and
- land disturbance less than 4000 square feet that has a high risk of soil erosion or water pollution, as determined by local ordinance administration.

A **stormwater control permit** is required, and stormwater management provisions apply, to any of the following:

- development that results in the **cumulative** addition of 20,000 square feet of impervious surface to the site;
- construction of agricultural buildings where the **new** total impervious surface area exceeds 20,000 square feet;
- development that requires a subdivision plat;
- development that requires a certified survey map;
- other development or redevelopment that may have significant downstream impacts; and
- buildings and activities of municipalities and school districts, local highway projects, and municipal streets.

Costs

The ordinance allows local authorities to establish their own fee schedules for erosion control and stormwater management permits. For builders, developers and those undertaking construction projects, advanced planning and the flexibility to choose methods best suited to a particular site make meeting the standards affordable and cost-effective.

- In unincorporated areas, the ordinance sets a base fee of \$50.00 plus \$.004 for every square foot of disturbed area plus \$.005 per square foot of new impervious area and \$.0025 per square foot of redeveloped impervious area.
- Fees in incorporated areas are set by each municipality.
- Costs for installing and conducting necessary stormwater control on site (i.e. detention ponds and other practices) are the responsibility of the landowner.
- Maintaining stormwater controls is the responsibility of the landowner.

Enforcement

Builders, developers and other site planners must submit erosion control and stormwater management plans. If a site is out of compliance with its plan, as determined by inspection, a stop work order may be issued and fines levied.

- If a city or village has not adopted standards at least as restrictive as the county's, or has adopted county standards but the Lakes and Watershed Commission finds that they are not effectively administering and enforcing them, the Dane County Zoning Administrator administers the provisions of the ordinance in that municipality.

Technical Assistance

County Staff worked with local governments, builders, developers and others to create a Dane County Erosion Control and Stormwater Management Manual to assist in creating effective plans for erosion control and stormwater management.

- This manual is available on the Commission website, as are permit application forms, a copy of the ordinance and links to other technical resources.

About the Commission

Under the unique statutory authority that created the Commission, ordinances recommended by the Commission and adopted by the Dane County Board are in effect within unincorporated and incorporated areas within the County.

The Dane County Lakes and Watershed Commission is made up of ten citizen members who represent urban and rural areas throughout Dane County and includes four County Supervisors.

The Dane County Board established the Lakes and Watershed Commission in 1988. The Wisconsin State Legislature defined the Commission's special powers, composition, duties and organization in 1990. A coordinating and advisory agency within Dane County government, the Commission's charge is to protect and improve water quality, as well as the scenic, economic, recreational and environmental value of Dane County's water resources.

The Commission crafted the original Chapter 14, the construction site erosion ordinance, which went into effect in 1995. The stormwater management standards were passed by the Dane County Board in August of 2001 by a 38-1 vote.

For More Information

www.co.dane.wi.us/commissions/lakes/

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