

Fact Sheet: Dane County's Erosion Control and Stormwater Management Ordinance

Rev. 7/5/2023



Goals of the Ordinance

The Erosion Control and Stormwater Management Ordinance (Dane County Ordinance Chapter 14) aims to address the negative consequences of development on stormwater. Stormwater is defined as the flow of water which results from, and which occurs during and immediately following, a rainfall, snow- or ice- melt event. If not managed properly, development can result in:

- An increased flood risk to downstream property owners,
- A reduction in groundwater infiltration crucial for our drinking water supply, and
- Pollution of Dane County's natural water resources during and following construction activities.

Do I need a permit?

The most common triggers for a permit are listed below. If the triggers listed below do not apply to your project, please contact staff (see **Attachment A** for contact information) or see the permit decision tree available in **Attachment B** for a more comprehensive determination.

- An Erosion Control Permit is required for projects that disturb more than 4,000 square feet.
- A Stormwater Management Permit is required for:
 - Projects that disturb more than 4,000 square feet of existing commercial, industrial, institutional, or multifamily use site; or,
 - Projects where more than 20,000 square feet of impervious surfaces (such as driveways, roofs, and sidewalks), have been added since August 22, 2001.
- A Shoreland Erosion Control Permit is required for projects that disturb land within 1,000 feet of a lake, pond, or flowage; 300 feet of a river or stream; 75 feet of a wetland; or within a floodplain.
- A Shoreland Mitigation Permit may be required if your project is located within the Shoreland Zone (see **Attachment C** for definition). If your project is located within the Shoreland Zone, contact Dane County Zoning at (608) 266-4993 to determine if a Shoreland Zoning Permit or Shoreland Mitigation Permit is required. You will receive written confirmation of their decision.

Am I Exempt?

The most common exemptions are listed below. If these exemptions below do not apply, please contact staff (see **Attachment A**) or review the decision tree available in **Attachment B** for a more comprehensive determination.

- Any activity directly related to the planting, growing and harvesting of agricultural crops (except the construction of a building or any other impervious surface) are exempt from both erosion control and stormwater requirements.
- Construction of one- or two-family dwellings are regulated under the Uniform Dwelling Code, which has its own erosion control requirements. Therefore, these activities are

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typically exempt from the erosion control requirements listed in Dane County Ordinance Chapter 14. This exemption does not apply to land disturbing activity within the Shoreland Zone (see **Attachment C**), in excess of one (1) acre, or not associated with the construction of a dwelling. Also, please note, that one- and two-family dwelling units are not exempt from Stormwater Management requirements.

Who can I contact with questions?

We strongly encourage permit applicants to contact us *early* in the design process to verify their understanding of which permits are required and which standards apply. Please keep in mind that we have a performance-based ordinance that allows for multiple approaches to meet the standards. Conversations between the landowner and their engineer are an essential part of the process. Not all engineers will immediately understand a landowner's goals, and likewise, landowners may not realize that alternative designs are likely possible if they are unsatisfied with their engineer's initial proposal. Feel free to contact Dane County staff if you'd like to discuss potential stormwater measures that are available to meet the standards. Contact information for staff members who cover different regions of Dane County can be found in **Attachment A**.

Frequently Asked Questions

What is the role of building inspector versus county erosion control inspector?

The distinction between Building Inspectors and County Erosion Control Inspectors lies in their jurisdiction and focus. Building Inspectors have the responsibility of verifying compliance with building codes, regulations, and standards across a broad range of construction areas, such as foundations, framing, electrical, and plumbing. In addition, Building Inspectors are tasked with erosion control enforcement for projects that fall under their jurisdiction.

In contrast, the primary focus of Erosion Control Inspectors is monitoring and enforcing erosion control measures specifically on sites that fall under the jurisdiction of Dane County's Erosion Control Ordinance. Their inspections would exclude sites that are exempt from this ordinance.

As an example: In the case of a single-family home construction project that is exempt from obtaining an Erosion Control Permit, an Erosion Control Inspector would not be responsible for visiting the site; instead, a Building Inspector would be responsible for performing inspections and ensuring the building code's standards are met, including erosion control standards.

What is surety and why is it required?

Permit applications with an erosion control and stormwater management installation cost estimate greater than \$5,000.00 must provide a Financial Security Instrument (FSI), such as a bond or letter of credit, prior to permit issuance. The FSI must be for 110% of the estimated cost of implementation of all erosion control and stormwater management measures. In the event that proposed work is not completed in a manner sufficiently consistent with the approved plan, the funds may be drawn upon to complete the work.

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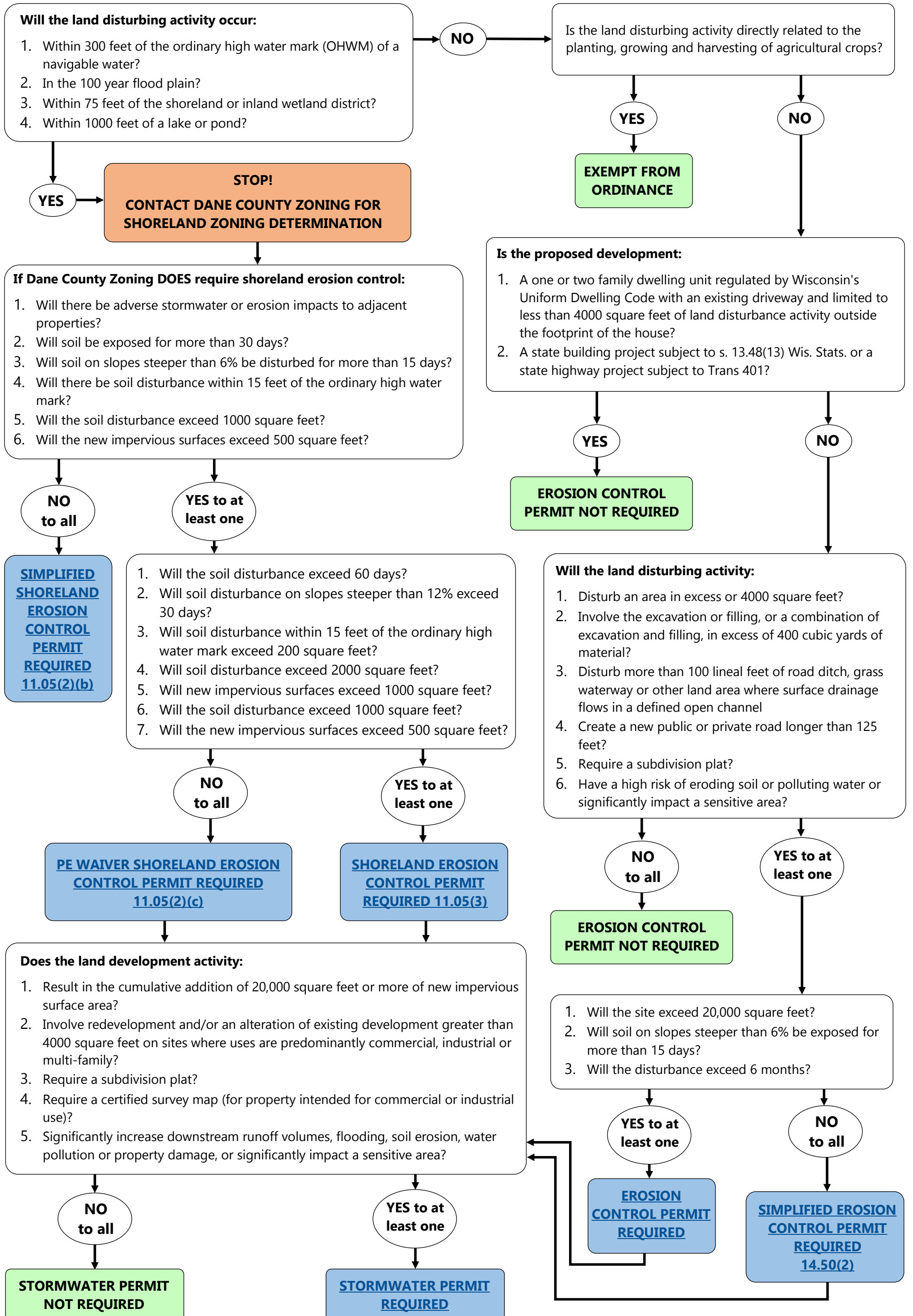
Upon successful completion of the project and approval of the As-Built Certification, a final inspection will be performed to verify compliance prior to surety release. If surety funds were held by the county, a check will be issued approximately fourteen (14) days after site approval. Letters of credit will be returned to the financial institution with a memo stating that all interest has been relinquished.

Attachment B.

Erosion Control and Stormwater Permit Decision Tree

If a project disturbs ground or creates impervious surfaces that don't allow water to infiltrate it may need a permit. Use this decision tree to help you understand permitting requirements.

▶▶▶ **START HERE** ◀◀◀



The Shoreland Zone includes all lands within:

- 1,000 feet from the ordinary high-water mark of navigable lakes, ponds, or flowages
- 300 feet of the ordinary high-water mark or landward side of the floodplain of the navigable reaches of rivers and streams
- 75 feet of the shoreland or inland wetland district

You can use the Land & Water Resources Viewer, available at the link below, to help determine the distance your project is from wetlands, waterways, and floodplains.

<https://dcimapapps.countyofdane.com/lwrviewer/>

Extent of Shoreland Zone

