

August 17, 2011

DNR Project No. SB-0002

Stewart Fett, President
Sturgeon Bay Utilities
PO Box 27
Sturgeon Bay, WI 54235

Subject: Sturgeon Bay 2030 Sewer Service Area Plan

Dear Mr. Fett:

We have completed our review of the subject Sewer Service Area (SSA) Plan update request originally submitted to the Department on May 23, 2011, and a revision submitted on August 3, 2011. The Department hereby approves the plan update which results in a net total acreage in the Sewer Service Area of 5,442 acres, which includes 654 acres of environmentally sensitive areas (see Map-Figure 5-Revised).

As discussed with Amy Vaclavik of McMahon Engineers, minor corrections to pages 6, 7, Table #1 and Figure 5-Revised will be made in the final version and those pages forwarded to the Department.

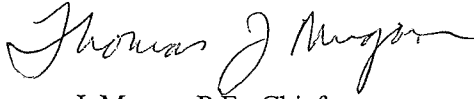
The plan update was approved by Sturgeon Bay Utilities Commission on March 7, 2011.

The approval of this sewer service area plan update does not constitute approval of any other local, state, or federal permit that may be required for sewer construction or associated land development activities.

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes, administrative rules and case law establish time periods within which requests to review Department decisions must be filed. To request a contested case hearing pursuant to section 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the time period for filing a petition for judicial review.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., you must file your petition with the appropriate circuit court and serve the petition on the Department within the prescribed time period. A petition for judicial review must name the Department of Natural Resources as the respondent.

Sincerely,

A handwritten signature in cursive script, reading "Thomas J. Mugan".

Thomas J. Mugan, P.E., Chief
Wastewater Section
Bureau of Watershed Management

cc:

Cliff White, Operations Manager, SBU, P.O. Box 27, Sturgeon Bay, WI, 54235
James Stawicki, General Manager, SBU, P.O. Box 27, Sturgeon Bay, WI, 54235
Amy Vaclavik, P.E., McMahon Engineers, P.O. Box 1025, Neenah, WI 54957-1025
Gary Kincaid – DNR – NER – Green Bay
Dick Sachs – DNR – NER – Green Bay
Fran Keally - WT/3



- SSA Update Areas**
- Proposed 2030 SSA Boundary
 - Area Added To 2030 SSA (177.2 Acres)
 - Area Added To SSA in 2007 by Amendment
 - Area Removed From SSA (757 ESA Acres; 183 Non-ESA Acres)

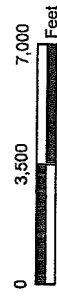
Environmentally Sensitive Areas (ESA)

- WDNR Wetland
- FEMA Floodplain Zone A
- FEMA Floodplain Zone AE
- Surface Water
- Streams

Other Mapped Features

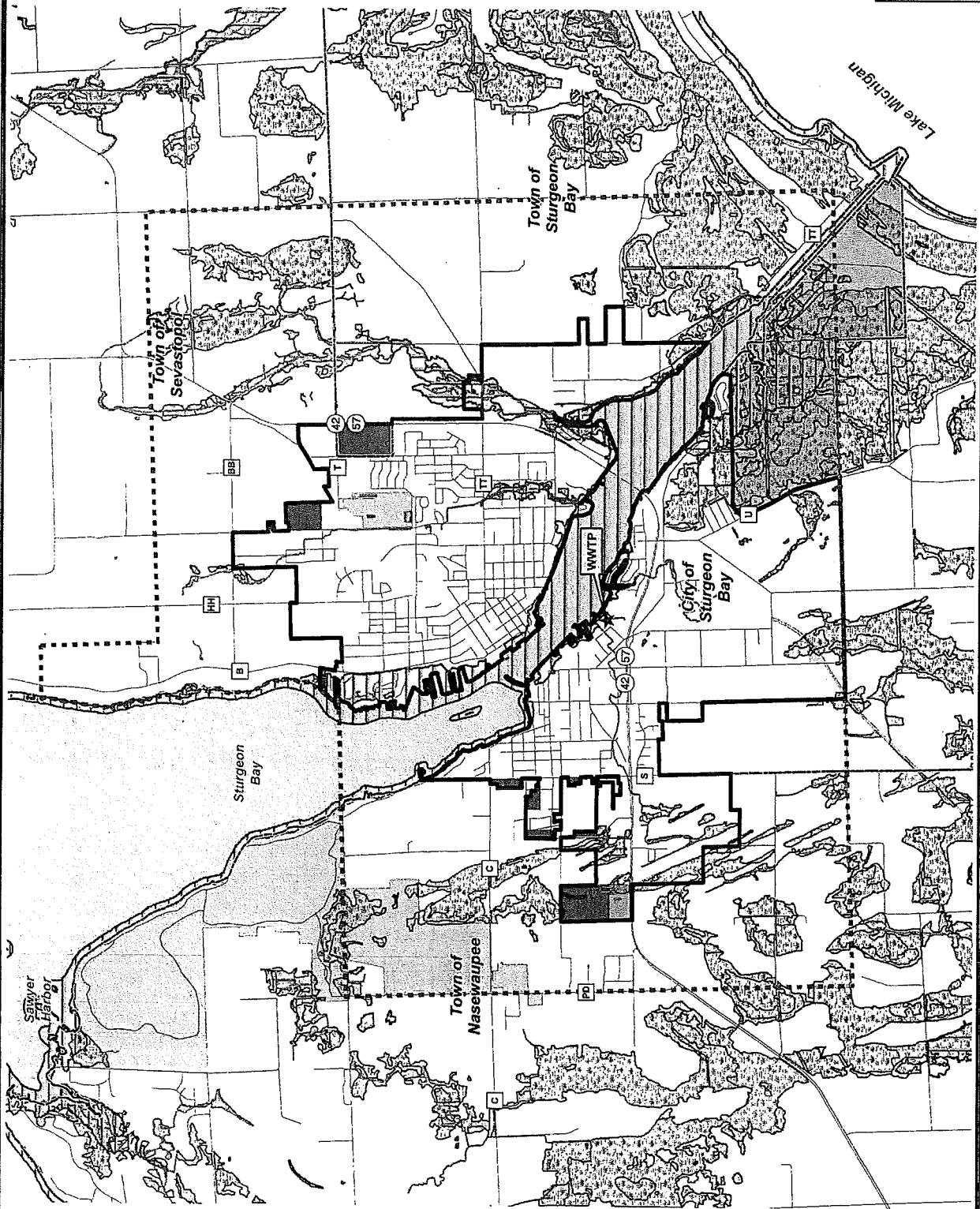
- Park
- Planning Area Boundary
- Municipal Boundary
- Road Centerline

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**FIGURE 5--REVISED
UPDATE AREAS
SANITARY SEWER SERVICE AREA
STURGEON BAY UTILITY COMMISSION
DOOR COUNTY, WISCONSIN**



Sturgeon Bay 2030 Sewer Service Area Plan (SSAP)

Prepared For The

STURGEON BAY UTILITIES
WISCONSIN



FINALIZED: AUGUST 24, 2011
DNR APPROVAL SB-0002
ISSUED: AUGUST 17, 2011

REVISED: AUGUST 2, 2011
SEPTEMBER 14, 2010

McM. No. S0007-980810
AJV



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Sturgeon Bay 2030 Sewer Service Area Plan (SSAP)

Prepared For The
STURGEON BAY UTILITIES
WISCONSIN



Prepared By
McMAHON
NEENAH, WISCONSIN

FINALIZED: AUGUST 24, 2011
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STURGEON BAY UTILITIES
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I. INTRODUCTION

A comprehensive water quality planning process was established in the Federal Water Pollution Control Act Amendments of 1972 (PL92-500) that includes a process to establish locally developed area wide water quality management plans. The Sewer Service Area Plan (SSAP) is an important part of this process. The State of Wisconsin Administrative Code NR 121 establishes the regulations specifying policies, procedures, and requirements for Wisconsin's area-wide water quality planning process.

A Sewer Service Area Plan (SSAP) was originally prepared for the Sturgeon Bay Utilities (SBU) in 1994 as part of the "Twin-Door-Kewaunee River Basin Water Quality Management Plan". This is an update of the original SSAP. The City of Sturgeon Bay Plan Commission prepared a Comprehensive Plan for the City, and that Plan was adopted by the Common Council on March 2, 2010. That document provides very useful and current information that will be incorporated into this SSAP update. The Wisconsin Department of Natural Resources (DNR) suggests communities develop a Comprehensive Plan either first or simultaneously with development of a SSAP. This facilitates coordination of information between these important planning documents.

This document serves as a guide for the management of the SBU wastewater system. SBU is committed to managing the system in a cost effective and environmentally sound manner. The following goals and objectives are designed to support SBU's management strategy.

Goal 1: To provide and maintain public sewer services, which effectively meets the needs of the community while protecting natural resources and the quality of the environment.

Objective 1: By making maximum use of the existing facilities.

Objective 2: By encouraging future development to locate in areas that are suitable for development and where environmental impacts can be sufficiently mitigated.

Objective 3: By controlling development in areas where environmental conditions indicate the development should not take place, including wetlands, areas with high water tables, steep slopes, and areas with unique natural features.

Goal 2: Support the City of Sturgeon Bay's Comprehensive Plan by guiding future development in an efficient, orderly and compatible manner.

Objective 1: By extending service to those areas where demand exists within the boundaries of the SSAP.

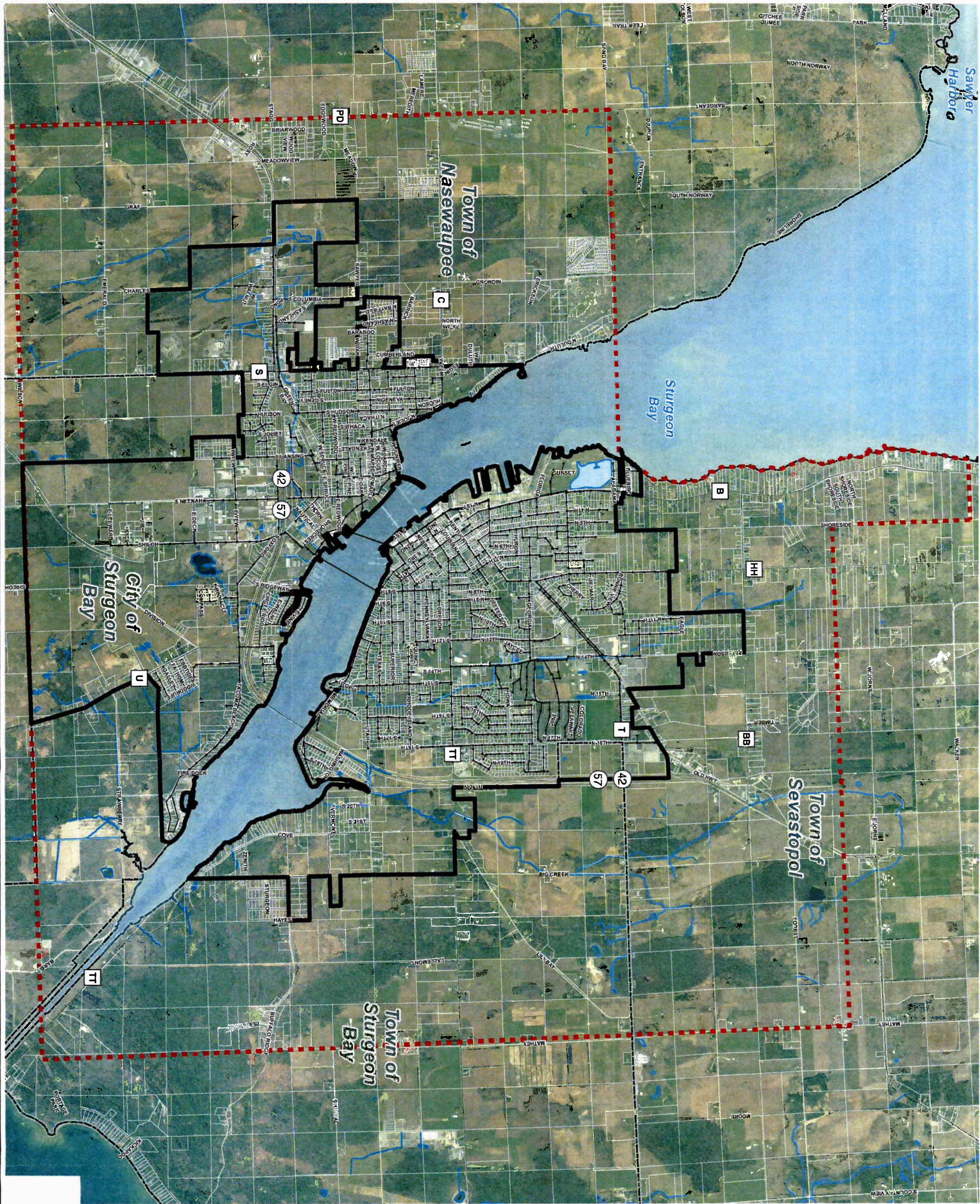
Objective 2: By encouraging the utilization of vacant land that is already provided with sewer services.

Objective 3: By encouraging commercial/industrial developments to locate on sites having the necessary utilities.

This SSAP addresses the following issues:

- Project future needs for regional sewer service and establish the geographic extent of the sewer service area for the year 2030.
- Define the procedures for reviewing boundary and plan amendments.
- Identify sensitive environmental areas as environmental corridors, which will be protected from sewer development.
- Provide a basis for community officials to direct community growth and protect environmental, social and economic concerns.

The updated Planning Area and 2030 Sewer Service Area Boundaries are outlined on Figure #1. The 2030 Sewer Service Area Boundary with Future Land Use is identified on Figure #2.



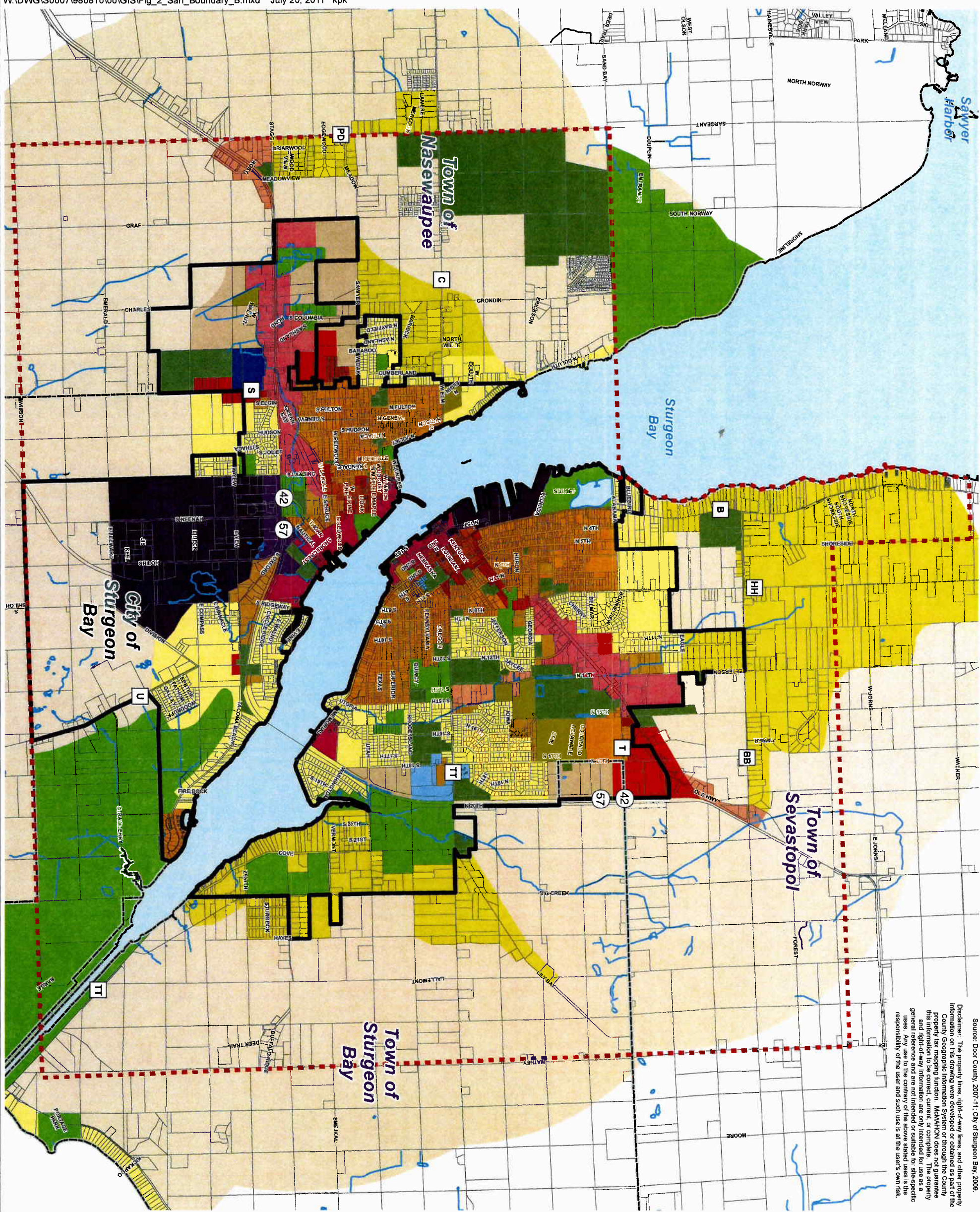
Mapped Features

- Proposed 2030 SSA Boundary
- Planning Area Boundary
- Municipal Boundary
- Parcel Line
- Sanitary Sewer
- Streams
- Surface Water

Source: Door County, 2007-11; City of Sturgeon Bay, 2008.
Disclaimer: The property lines, right-of-way lines, and other property information on this drawing were developed or provided by the County property tax assessor's office. McMahan does not guarantee the accuracy of this information. McMahan does not warrant, represent, or guarantee the accuracy of this information. The property lines and right-of-way information are only intended for use as a general reference and are not intended or suitable for site-specific uses. Any use to the contrary of the above stated uses is the responsibility of the user and such use is at the user's own risk.



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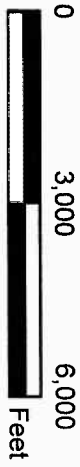


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- Future Land Use**
- Agricultural
 - Rural Residential
 - Single Family Residential - Lower Density
 - Single Family Residential - Higher Density
 - Multiple Family Residential
 - Mixed Residential
 - Planned Residential/Manufactured Home Park
 - Service Commercial
 - Community Commercial
 - Central Business District Commercial
 - Transitional Commercial
 - Commercial or Mixed Residential
 - Office
 - Recreational & Tourist Commercial
 - Industrial
 - Planned Light Industrial
 - Mixed Commercial or Industrial
 - Public & Institutional
 - Open Space & Recreation
- Other Mapped Features**
- Proposed 2030 SSA Boundary
 - Planning Area Boundary
 - Municipal Boundary
 - Parcel Line
 - Streams
 - Surface Water



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FIGURE 2
SEWER SERVICE AREA BOUNDARY
SANITARY SEWER SERVICE AREA
STURGEON BAY UTILITY COMMISSION
DOOR COUNTY, WISCONSIN

II. EXISTING WASTEWATER FACILITIES

A. Wastewater Treatment Plant

The SBU Wastewater Treatment Plant accepts waste from customers within the City and also accepts hauled-in wastes from the surrounding townships and unincorporated areas.

The 2009 Compliance Maintenance Annual Report indicates that the Wastewater Treatment Plant is operating well within its design capacities. The design parameters for the plant include the following:

Influent	Design	Actual Range-2009
Maximum Month Design Flow, mgd	2.816 mgd	Average Day: 1.491 mgd Peak Monthly Flow: 1.877 mgd
Design (C)BOD, lbs./day	4,823 lbs./day	
Effluent		
Monthly Average (C)BOD Limit mg/L	15 mg/L	1 - 4 mg/L
Monthly Average TSS Limit mg/L	15 mg/L	4 - 7 mg/L
Monthly Average NH ₃ Limit mg/L		0.4 - 3.1 mg/L
December - May	22 mg/L	
June - September	11 mg/L	
October - November	16 mg/L	
Monthly Average Phosphorus Limit mg/L	0.7 mg/L	0.4 - 0.7 mg/L

Sludge generated at the Wastewater Treatment Plant and sludge hauled-in from other communities is stabilized through Temperature Phase Anaerobic Digestion (TPAD). The end product, classified as Exceptional Quality Biosolids, is reused at a local farm.

The wastewater collection system consists of 75-miles of sanitary sewer mains and 11 lift stations. There were no sewer system overflows or by-pass events in 2009. The Peaking Factor, Peak Monthly:Annual Daily Average flow is 1.3. Infiltration and inflow (I/I) has not been significant, and has not affected the performance or created problems in the collection system, lift stations or treatment plant.

The overall grade for the 2009 Compliance Maintenance Plant was 3.92, A. The only item that did not receive a 4.0 was the effluent phosphorus concentration of 0.7 mg/L in July, which meets but does not exceed the limit. Therefore, the Utility does not anticipate any formal planning for upgrading, rehabilitating or new construction of the treatment facilities at this time.

B. Lift Stations

There are 11 lift stations in the SBU collection system. The location and service area of each lift station is shown on Figure #3. The sanitary sewer collection system is also shown on Figure #3.

C. Wastewater Collection System

The wastewater collection system serves a majority of the occupied properties within the City limits of Sturgeon Bay. The collection system would be extended to serve new development within the Sewer Service Area as the areas develop and annex to the City. A map of the Sanitary Sewer System is provided in Appendix A.

III. DELINEATION OF THE PLANNING AREA

A. Population

Current population information for the City of Sturgeon Bay is provided in the “The City of Sturgeon Bay Comprehensive Plan”, adopted March 2, 2010. This document was prepared by the City of Sturgeon Bay Plan Commission with the assistance of GRAEF. That population information is incorporated into this SSAP.

The Wisconsin Demographic Services Center, Department of Administration (DOA), population projections (May 2008) for the City of Sturgeon Bay is as follows:

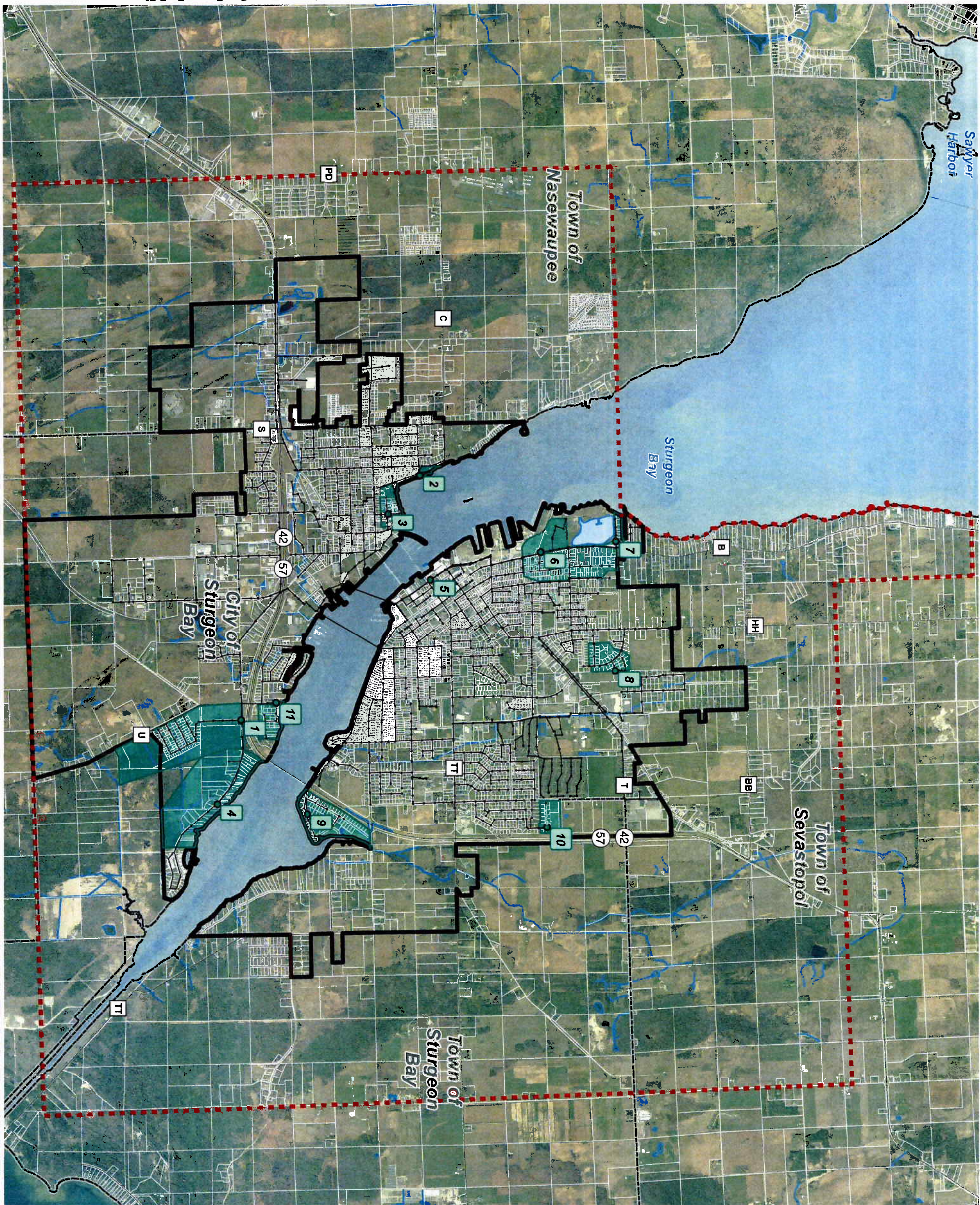
2000 Census	2009	2010	2015	2020	2025	2030
9,437	9,868	9,826	9,970	10,156	10,032	9,873

The 2009 estimate was published October 2009 by the DOA.

The following information is quoted directly from the Comprehensive Plan:
(The data referred to is provided in Appendix B of this Sewer Service Area Plan)

“Alternative Population Projections

Bay-Lake Regional Planning Commission (BLRPC) has developed an alternative set of population projections for the northeastern Wisconsin region. Tables, as they relate to the City of Sturgeon Bay, Door County, and the State of Wisconsin are provided in Appendix A. Differences between these figures and those provided by the Wisconsin DOA can be attributed to methodological differences, as well as BLRPC’s consideration of a broader range of regional factors.



Lift Stations and Service Areas

- 10 Lift Station and ID
- Lift Station Service Area

Other Mapped Features

- Sanitary Sewer
- Proposed 2030 SSA Boundary
- Planning Area Area Boundary
- Municipal Boundary
- Parcel Line
- Streams
- Surface Water

Source: Door County, 2007-11; City of Sturgeon Bay, 2009.

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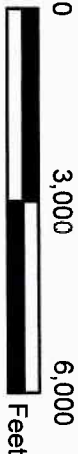


FIGURE 3
LIFT STATION LOCATION
AND SERVICE AREAS
SANITARY SEWER SERVICE AREA
STURGEON BAY UTILITY COMMISSION
DOOR COUNTY, WISCONSIN

Utilizing BLRPC's alternative figures, the 2030 population projections for Sturgeon Bay range from a low of 9,527 residents to a more aggressive 10,411 residents."

As further stated in the Comprehensive Plan, Door County experiences a substantial seasonal population fluctuation that is not reflected in population data described above. The population in July may increase approximately 30% over the permanent city population.

B. Land Use & Development

The City of Sturgeon Bay encompasses 6,327.2-acres. The distribution of land use types throughout the City is presented in the table below and illustrated on Figure #4:

Land Use	Totals (ac)	%
Right-Of-Way	750.2	12%
Residential	1,483.5	23%
■ Land Under Residential Development (vacant residential lot)	178.5	3%
Commercial	336.3	5%
■ Land Under Commercial Development (vacant commercial lot)	36.0	1%
Industrial	386.5	6%
■ Land Under Industrial Development (vacant industrial lot)	43.0	1%
Transportation	12.2	0%
Communication/Utilities	125.1	2%
Institutional/Governmental	254.7	4%
Outdoor Recreation	305.2	5%
Agricultural/Silviculture	374.4	6%
■ Open Space	15.0	0%
■ Fallow Field (vacant agriculture land)	213.5	3%
Natural Areas	1,813.1	29%
TOTAL	6,327.2	100%

Source: The City of Sturgeon Bay Comprehensive Plan, March 2, 2010.

The existing land use within the City includes a mixture of residential, commercial, industrial, institutional/governmental, outdoor recreation and natural areas. There are also some agriculture and fallow agriculture areas within the City. The City of Sturgeon Bay is the primary commercial area for Door County. The primary industrial areas are along the shore line and in the Industrial Park, located on the southwest side of the City.

There are currently approximately 178.5-acres of vacant land within existing residential development areas. Many of these vacant areas are adjacent to existing public water and sanitary sewer facilities. Projections provided in the Comprehensive Plan indicate that *"the City will need 93 more housing units in 2030 than needed in 2005"*. This is based on DOA

population projections. The vacant areas provide sufficient open lots for this number of housing units.

The City does not have a general density standard. The minimum lot areas per dwelling unit requirements are established in the Zoning Code. A majority of the newer subdivisions have been zoned R-1 District, which is 10,000 square feet of lot area per unit.

There are currently 43-acres of vacant land within existing industrial areas of the City, including the Industrial Park on the southwest side of the City. These vacant areas are already served by public water and sanitary sewer facilities.

C. Planning Area Boundary

The Sturgeon Bay Sewer Service Area is located in Door County and surrounds the City of Sturgeon Bay. The Planning Area Boundary, as shown on Figure #1, includes the area that is currently considered a 40 to 50-year planning area. The 2030 Sewer Service Area, also shown on Figure #1, is the 20-year planning area. The planning area also includes parts of the Town of Sevastopol, the Town of Nesewaupsee and the Town of Sturgeon Bay. It includes the following:

Town 28 North - Range 26 East:

All of Sections 31, 32, 33 and 34, and portions of Sections 27, 28, 29 and 30.

Town 27 North - Range 26 East:

All of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17 and 18, and portions of Sections 19, 20, 21 and 22.

Town 27 North - Range 25 East:

All of Sections 1, 12, 13 and 24, and portions of 2, 11, 14 and 23.

D. Sewer Service Area Boundaries

The 2030 Sewer Service Area Boundary is outlined on Figures #1 and #2.

The 2030 Sewer Service Area includes both vacant land and developed areas. Nearly all of the Sewer Service Area is located within the City limits. Vacant area south of East Leeward and directly south of the existing Industrial Park was included to allow for industrial growth.

The Sewer Service Area Boundary for the SBU sewer system was originally established in 1994. In response to a new development, the boundary was changed in 2007 to allow for sewer extension into the Maritime Plaza and Maritime Landing Development (Hopf Development) on the west side of the City, off of STH '42'/'57'. This was the first time since

1994 that there was a need to change the Sewer Service Area Boundary. The current boundary change includes the removal of approximately 940-acres on the east and south side of the City, and the addition of 177.2-acres. The area changes are identified on Figure #5.

The issues considered when outlining the Sewer Service Area include the promotion of orderly, cost effective, and environmentally sound development. In addition to land use and land development issues, the capacity of the wastewater collection and treatment system are also considered. The SSAP presents a regional plan for providing service in the Sturgeon Bay area.

The area located east of STH '42'/'57' and east of the Canal includes open space and recreational areas, and rural residential areas, as shown on the Land Use Plan Map (Figure #2). The existing development in this area is served by private on-site systems, and there are no plans to extend sewer service to this area at this time. Additional lift stations would be needed, and sewer mains would have to be extended beyond the existing open space / recreational areas to serve the developed areas.

The large area deleted from the Sewer Service Area is located on the far southeastern corner of the City, generally east of CTH 'U' and south of Strawberry Lane. Nearly all of this area is environmentally sensitive, including wetlands and floodplain. This area is not suitable for development.

With the exception of one area, areas added to the 2030 Sewer Service Area are areas that have been annexed to the City since the 1994 Sewer Service Area was developed. Approximately 55-acres located at the southwest intersection of STH '42'/'57' and CTH 'T' have also been added to the 2030 Sewer Service Area. This area is currently in the Town of Sturgeon Bay. It is likely that this area would need to annex to the City if public utility services were to be provided.

Table #1 presents a summary of the acreage within the 2030 Sewer Service Area. Available open space within the Sewer Service Area is identified on Figure #4.

E. Environmentally Sensitive Areas

The SSAP provides a basis for community officials to direct community growth in a manner that encourages protection of water quality and environmentally sensitive areas. Environmentally sensitive areas within the Sewer Service Area are identified on Figure #6, and are to be protected from sewer development. An environmentally sensitive area is defined by Wisconsin Administrative Code NR 121.05(1)(g)2.c as follows:

Table #1

2030 SEWER SERVICE AREA ACREAGE SUMMARY
STURGEON BAY UTILITIES

TOTAL 2030 SSA ACREAGE	5,442-Acres
- Includes ESA Acreage	654-Acres

Area Added To 2030 SSA	177.2-Acres
Area Added By 2007 Amendment	25.8-Acres
TOTAL AREA ADDED	203-Acres

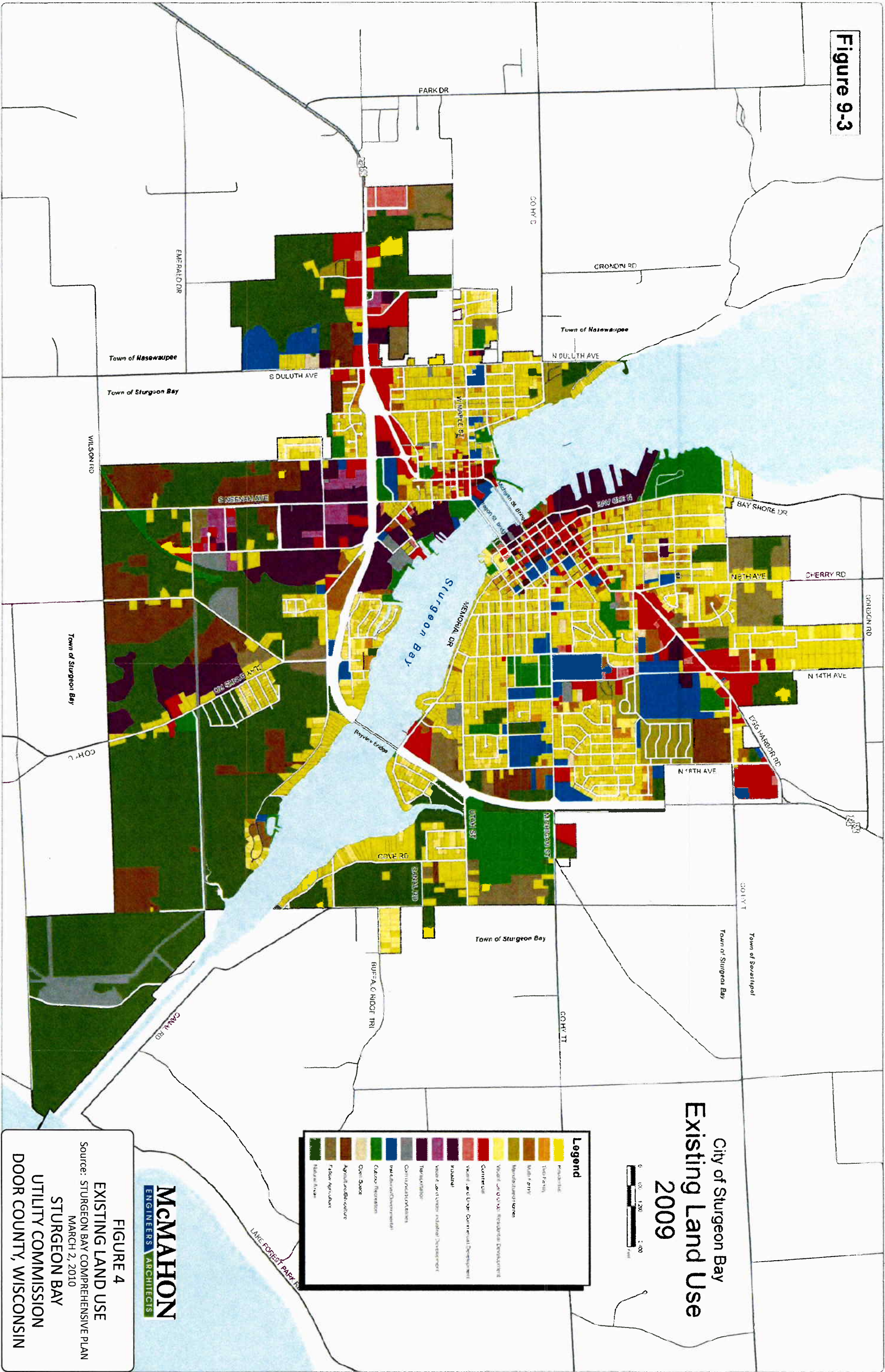
ESA Area Removed From SSA	757-Acres
Non-ESA Area Removed From SSA	183-Acres
TOTAL AREA REMOVED	940-Acres

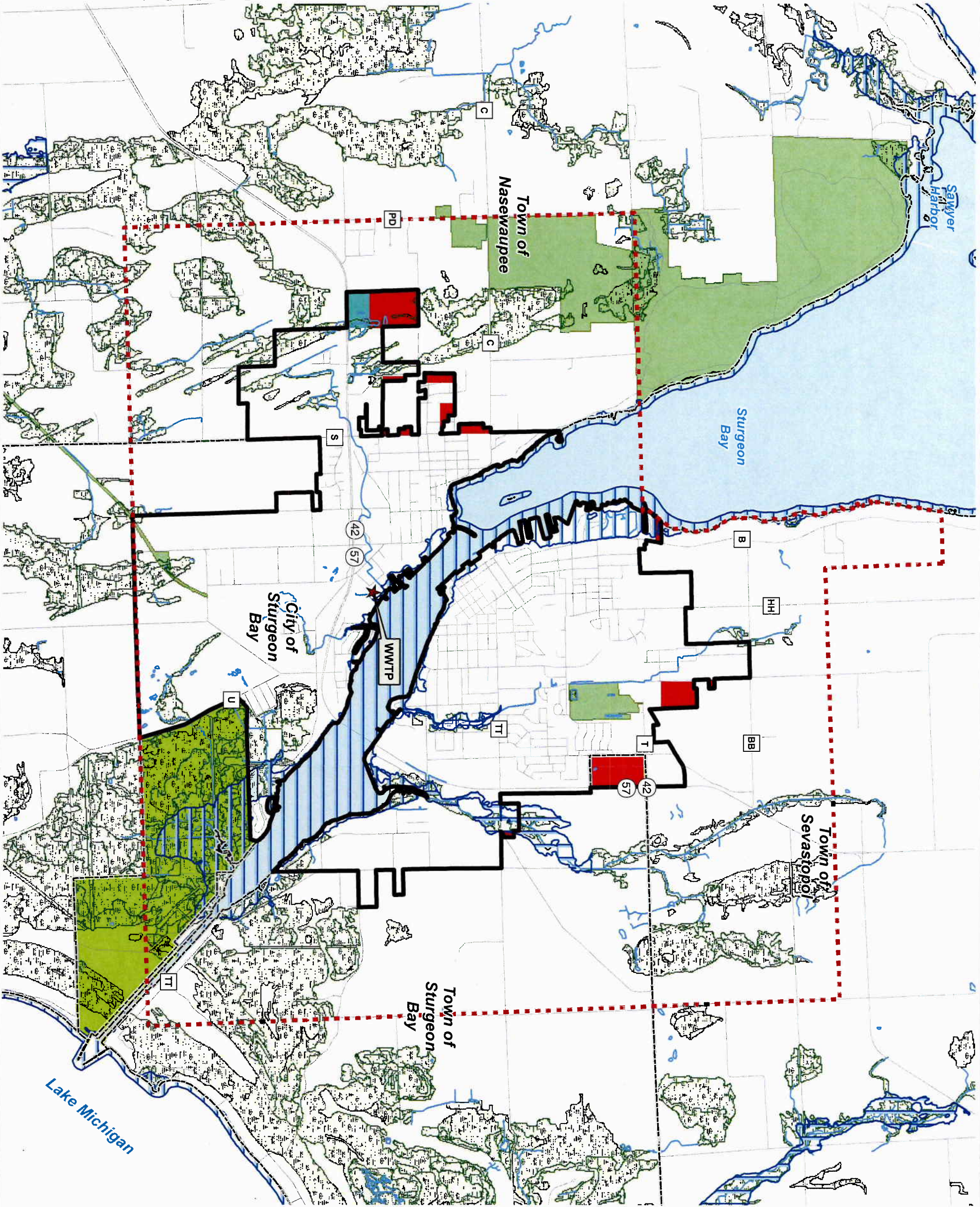
VACANT DEVELOPABLE LAND WITHIN CITY LIMITS

► Vacant Lots Within Developed Areas	
- Residential	179-Lots
- Commercial	36-Lots
- Industrial	43-Lots

ESA = Environmentally Sensitive Areas

Figure 9-3





STURGEON BAY UTILITIES

SSA Update Areas

- Proposed 2030 SSA Boundary
- Area Added To 2030 SSA (177.2 Acres)
- Area Added To SSA in 2007 by Amendment
- Area Removed From SSA (757 ESA Acres; 183 Non-ESA Acres)

Environmentally Sensitive Areas (ESA)

- WDNR Wetland
- FEMA Floodplain Zone A
- FEMA Floodplain Zone AE
- Surface Water
- Streams

Other Mapped Features

- Park
- Planning Area Boundary
- Municipal Boundary
- Road Centerline

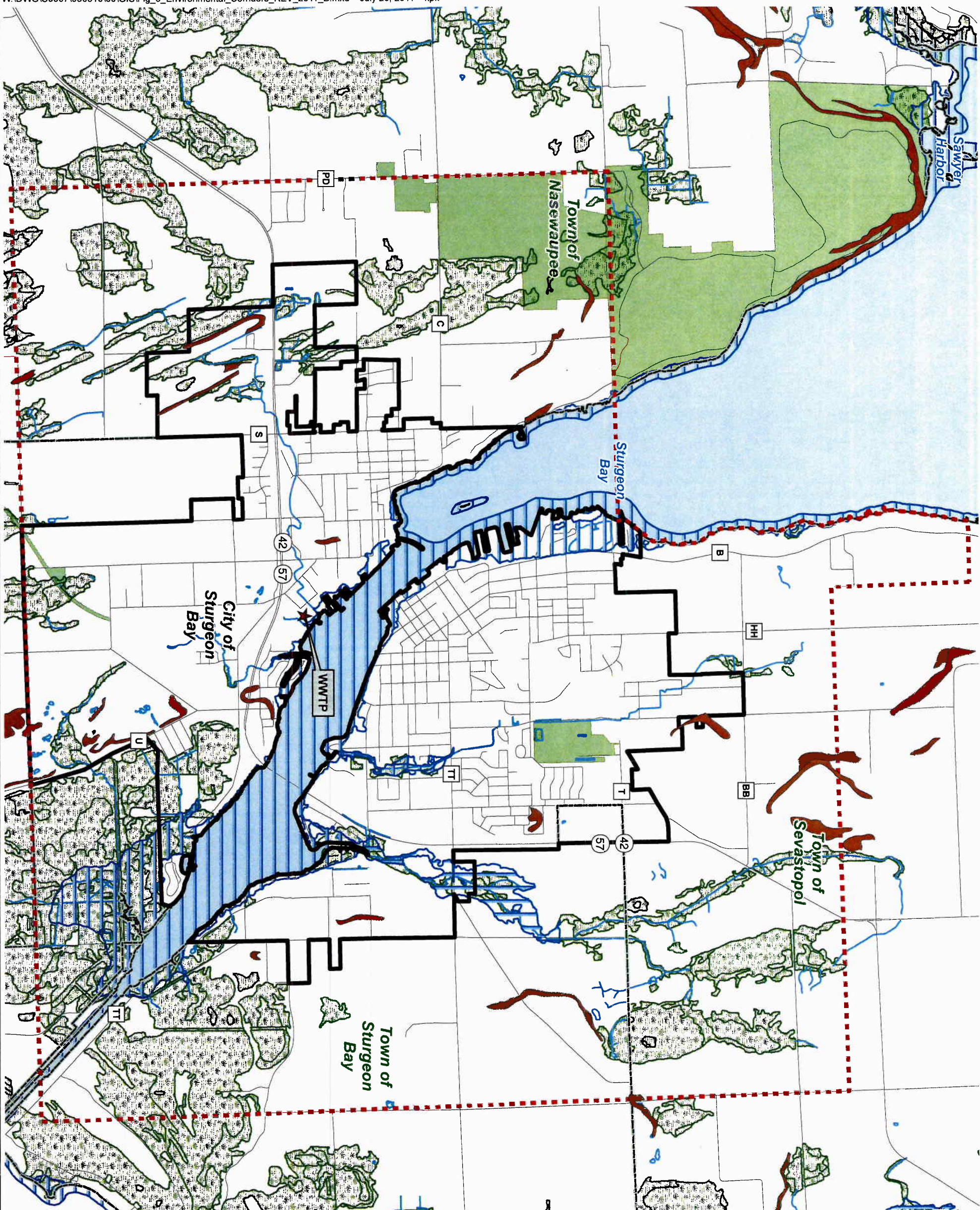
Source: Door County, 2007-11; WDNR, 2007; City of Sturgeon Bay, 2009; FEMA, 2009.

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**FIGURE 5--REVISED
UPDATE AREAS
SANITARY SEWER SERVICE AREA
STURGEON BAY UTILITY COMMISSION
DOOR COUNTY, WISCONSIN**



Environmentally Sensitive Areas (ESA)

- WDNR Wetland
- FEMA Floodplain Zone A
- FEMA Floodplain Zone AE
- Steep Soils ($\geq 12\%$ Slope) and Severely Erodible Soils
- Surface Water
- Streams
- Other Mapped Features**
- Park
- Proposed 2030 SSA Boundary
- Planning Area Boundary
- Municipal Boundary
- Road Centerline

Source: Door County, 2007-11; WDNR, 2007; City of Sturgeon Bay, 2008; FEMA, 2008.

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0 3,000 6,000
Feet

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FIGURE 6
ENVIRONMENTALLY SENSITIVE AREAS
SANITARY SEWER SERVICE AREA
STURGEON BAY UTILITY COMMISSION
DOOR COUNTY, WISCONSIN

"Major areas unsuitable for the installation of waste treatment systems because of physical or environmental constraints are to be excluded from the service area. Areas to be considered for exclusion from the sewer service area because of the potential for adverse impacts on the quality of the waters of the state from both point and nonpoint sources of pollution include but are not limited to wetlands, shore lands, floodways and floodplains, steep slopes, highly erodible soils and other limiting soil types, groundwater recharge areas, and other such physical constraints."

1. Criteria:

The DNR has established minimum criteria that should be evaluated when delineating environmental corridors. The SSAP will serve to prohibit sewer extensions for development of the environmental corridors identified in the Plan. The SSAP may be amended in the future, if it becomes obvious that additional areas should be protected or if originally protected areas were to be developed. Exceptions may also be granted to construct sanitary sewers across or through environmental corridors. Requests for exceptions would be reviewed by the Policy Advisory Committee (a.k.a. Utility Commission) and the DNR, other appropriate agencies.

The guidance established by the DNR to delineate environmental corridors, is as follows:

a. Wetlands

Definition: An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and has soils indicative of wet conditions (NR 103, Wisconsin Administrative Code).

DNR Policy: All wetlands should be considered for exclusion from sanitary sewer areas. Wetlands that have been identified in the Wisconsin Wetlands Inventory and protected through local zoning should be designated as environmental corridors and prohibited from sanitary sewer service.

b. Shore Lands / Stream Corridors

Definition: Shore lands are lands within the following distances from the ordinary high water mark of navigable waters; 1,000-

feet from a lake, pond or flowage; and 300-feet from a river or stream to the landward side of the floodplain; whichever distance is greater. Stream corridors are waterways with a minimum width of 60-feet, including 15-foot minimum buffer zone on each side of the stream.

DNR Policy: Shore lands represent environmental features that should be given high priority for protection from development, particularly those shore lands that coincide with wetlands, as identified in the Wisconsin Wetlands Inventory Maps.

c. Steep Slopes & High Erodible Soils

Definition: This category is defined as any slope equal to or greater than 12%, and any soil type occurring on a slope equal to or greater than 12%. (12% slope represents slopes classified as having a very severe erosion hazard potential by the Soil Conservation Service.)

Policy: In general, slopes equal to or greater than 12%, regardless of soil type, and which are near surface waters should be excluded from development areas. Steep slopes, in combination with other environmental features, should be considered for designation as an environmentally sensitive area.

d. Floodplains

Definition: The floodplain is the land calculated to be covered by floodwater during the regional (100-year) flood. The floodplain includes the floodway and the flood fringe. The floodway is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry and discharge the flood water or flood flows associated with the regional flood.

Policy: In order to prevent development in a high hazard area, floodplains should be considered for exclusions from sanitary sewer areas, and especially the floodway portion of the floodplain should not be included in a Sewer Service

Area, except where there is existing development that must be serviced.

e. Other Limiting Physical Features

Definition: Other limiting features to development of sewer service include:

- Shallow depth to groundwater and/or bedrock (groundwater recharge/discharge areas);
- Physical features that may have a significant local or statewide importance, such as woodlands or plant stands of rare or endangered species;
- Rare or endangered animal habitats;
- Historical or archaeological sites.

This list is open to include any environmental feature that could benefit from protective measures. This definition can include discrete areas of natural resources, and scenic and recreational amenities that are critical to maintaining water quality and quantity. They also provide habitat and linkages that are essential for protection of biological diversity and are often associated with rivers and streams.

Policy: Areas that include one or more of the above features should be considered an environmentally sensitive area designate if it represents an integral part of the direct stream drainage area.

2. Identification Of Significant Environmental Areas:

The City of Sturgeon Bay conducted several planning studies that identified various types of Significant Environmental Areas within the City. The Comprehensive Planning Program, prepared by the City with assistance from the State of Wisconsin Department Of Local Affairs & Development in 1969, includes an extensive inventory of the natural features within the City. This original plan was updated in 1990 by Camiros, Ltd. The City also developed an Outdoor Recreation Plan, which was adopted by the Common Council on March 2, 1983.

Proposals for development in other areas that have been identified as Significant Environmental Areas would be carefully examined by community officials before sewer service extensions are approved.

3. Delineation Of Environmental Corridors:

The features listed below are to be included in Environmental Corridors for the purposes of the SSAP. The sewer service area and environmental corridors are delineated on Figure #6. It is also recommended that proposals for development in other areas that have been identified as Significant Environmental Areas would be carefully examined by community officials before municipal utility extensions are approved.

- All wetlands;
- 100-year floodplains;
- Stream corridors (minimum width 60-feet, including 15-foot minimum buffer zone on each side of the stream); and
- Slopes greater than 12% and high erodible soils.

Various sources of information were researched to identify the Environmentally Sensitive Areas, including Wisconsin Wetlands Inventory maps, City of Sturgeon Bay Comprehensive Plan, Door County Comprehensive Plan, Federal Emergency Management Agency Flood Plain maps, and Door County Geographic Map Information system.

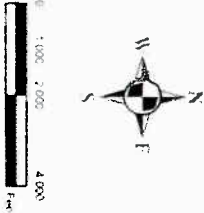
F. Coordination With City Of Sturgeon Bay Comprehensive Plan

The City of Sturgeon Bay Comprehensive Plan was adopted March 2, 2010. The future land use planning has been incorporated into this SSAP, as illustrated on Figure #2. The Functional Road Classification & Future Street Map provided in the Comprehensive Plan is included in this document as Figure #7. The SSAP is coordinated with the street map because one of the objectives of the SSAP is to maximize use of existing facilities, which, in most cases, are located within existing roadways. Also, there are either existing roads or planned future streets located throughout the SSAP.

G. Storm Water Management

A Storm Water Management Plan was developed for the City of Sturgeon Bay by Strategic Municipal Services, Inc. in 2005. This plan included the development of Chapter 33 - Storm Water Utility Management Code Ordinance, which requires that all new development within the City comply with the DNR guidelines for both sediment and volume reduction. Therefore, new development must implement and maintain storm water management facilities that reduce suspended solids by 80% (in-fill development by 40%) and reduce volume of runoff from the post-development 10-year storm rate down to the pre-development 2-year storm rate. This Ordinance was adopted by the City in 2006. The

City of Sturgeon Bay
Comprehensive Plan
Functional Road Classification
& Future Street Map



Legend

- Functional Street Class**
- Principal Arterial
 - Minor Arterial
 - Existing Collector
 - Local
 - Planned Principal Arterial
 - Planned Minor Arterial
 - Planned Collector
 - Planned Local Highway
 - Planned Local
 - City Limits
 - 1.5 mile extraterritorial radius limits

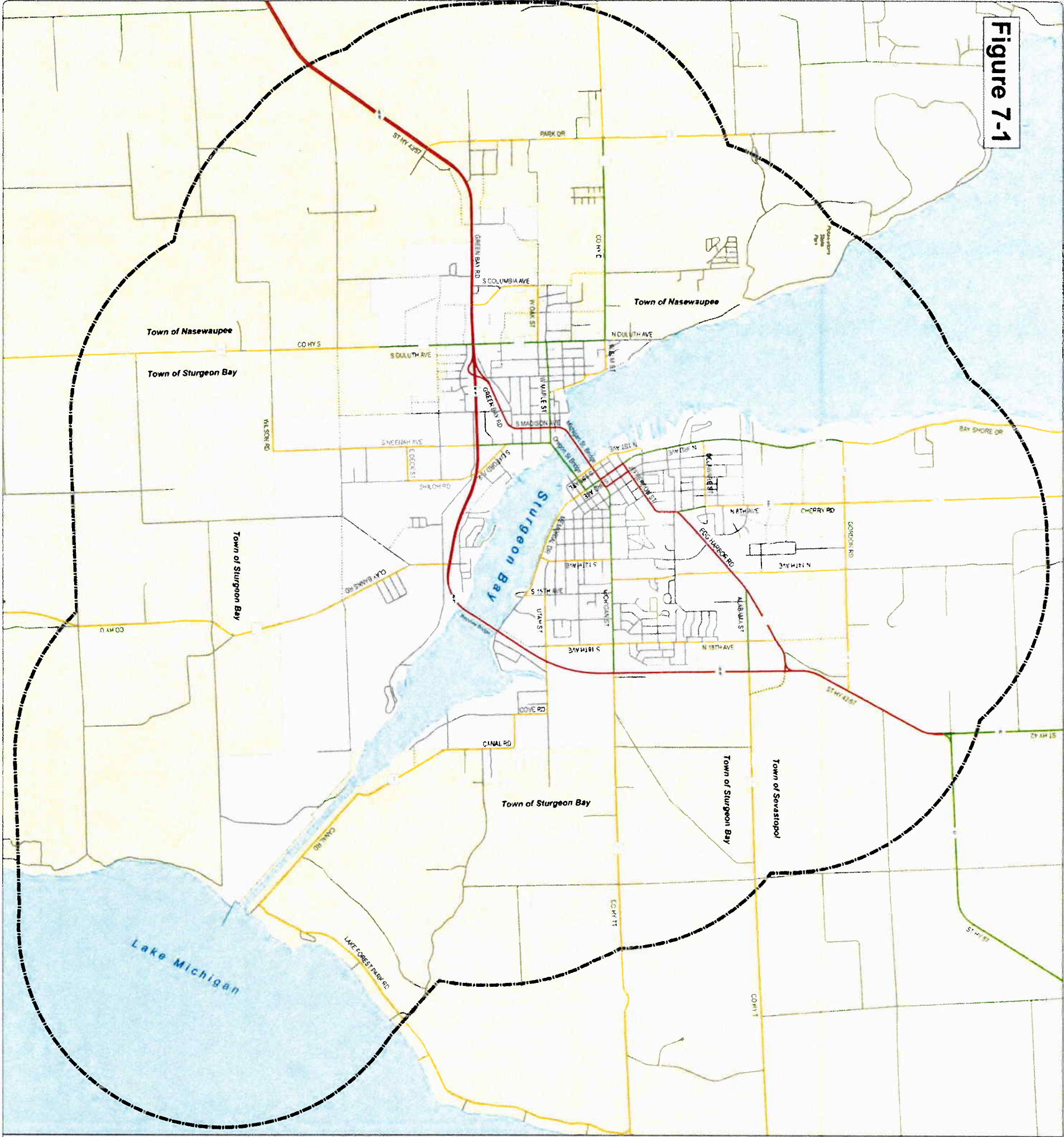
FIGURE 7

FUNCTIONAL ROAD CLASSIFICATION & FUTURE STREET MAP

Source: STURGEON BAY COMPREHENSIVE PLAN
MARCH 2, 2010

STURGEON BAY UTILITY COMMISSION
DOOR COUNTY, WISCONSIN

Figure 7-1



Ordinance is a dynamic document in the sense that future revisions and/or updates may be required as revisions to State Code occur. A copy of the most recent version of the Ordinance is provided in Appendix C.

H. Surface Water Quality

The Sturgeon Bay Ship Canal bi-sects the City of Sturgeon Bay and the Sewer Service Area. The Canal is classified as an Area of Special Natural Resource Interest by the DNR. The SBU Wastewater Treatment Plant discharges to the Canal. As previously described, the Wastewater Treatment Facility is very well managed and maintained, and the concentration of the effluent discharged from the plant is well below all of the WPDES permit limits. In July 2009, there was one time where the effluent phosphorus concentration was 0.7 mg/L, which is the limit established in the WPDES permit. Therefore, the SBU Wastewater Treatment Plant does not have an adverse impact on the water quality of the canal.

The water quality is monitored at three beaches that are located along the Canal by the Door County Public Health Department. During the summer months, Memorial Day to Labor Day, water samples are tested for E. coli on a regular basis. The presence of fecal bacteria, like E. coli, suggests other pathogens may be present in the water. Beach advisories and closings are used to advise the public that the water may be unsafe for swimming or other body contact recreation. The following limits have been established:

- Advisory signs are posted whenever the water quality criterion of 235 colony-forming units (CFU) of E. coli/100 ml of water is exceeded.
- Beaches are closed when E. coli levels exceed 1,000 CFU/100 ml, indicating a more serious risk of illness.

Otumba Park Beach is located on the west side of the Canal, near the north edge of the City limits. During 2009 and through August 16, 2010, the E. coli level exceeded 235 CFU/100 ml eleven times and exceeded 1,000 CFU/100 ml twice. The E. coli levels decreased significantly in the next sampling event.

Sunset Park Beach is located on the east of the Canal, again near the north edge of the City limits. During 2008, 2009 and through August 16, 2010, the E. coli level exceeded 235 CFU/100 ml nine times and exceeded 1,000 CFU/100 ml twice. The E. coli levels decreased significantly in the next sampling event.

The Sturgeon Bay Canal Recreational Area Beach is located where the Canal meets Lake Michigan. During 2008, 2009 and through August 16, 2010, the E. coli level exceeded 235 CFU/100 ml only once and did not exceed 1,000 CFU/100 ml at all during this time period.

I. Groundwater Quality

Sturgeon Bay's groundwater resources are recharged from water that infiltrates through the land surface and not from the waters of Lake Michigan or Green Bay. Therefore, activities on the land surface have a large impact on groundwater quality. The aquifer providing all of Sturgeon Bay's drinking water is made up of highly fractured Silurian dolomite. Vertical fractures, as well as horizontal bedding planes, provide the primary pathway for a relatively rapid flow of groundwater through this aquifer.

In 2003, a collaborative effort by the City of Sturgeon Bay, Door County, Nasewaupsee Township, Sevastopol Township and Sturgeon Bay resulted in the development of a Wellhead Protection Plan for the Sturgeon Bay municipal wells. The Plan identified the zone of contribution and potential contaminant sources for each well. At the present time, the Plan is advisory in nature, but has been used as a reference document by the participating communities when making land use decisions. Efforts are currently underway to codify a Wellhead Protection Ordinance for the City of Sturgeon Bay, relying in part on the technical data collected in the development of the 2003 Plan. The process is expected to be completed by the end of calendar year 2011.

IV. PLAN IMPLEMENTATION & INSTITUTIONAL PROCEDURES

A. Introduction

A primary element of the SSAP Process is that future Sanitary Sewer Service Plans conform to the SSAP. The Advisory Committee will oversee the implementation of the Plan. Institutional procedures have been developed for implementing this Plan. These procedures, which conform to existing Utility/City procedures, are described in this section and listed below.

- Project Reviews;
- Sewer Service Area Amendment Process;
- Notification of agencies involved with review process;
- Environmental corridor identification procedure; and
- Water quality protection criteria.

B. Policy Advisory Committee

The DNR has the overall responsibility for developing the SSAP. The planning process includes the establishment of a Policy Advisory Committee with representatives from local government. The Committee assists with the preparation, review, implementation and public review of the plan. When the Advisory Committee receives a request for an amendment to the Sewer Service Area boundary that involves lands in either the Town of

Sevestopol, the Town of Nesewaupee or the Town of Sturgeon Bay, the Advisory Committee will meet with Town Officials to discuss the pending amendment. Town Officials will be given an opportunity to provide input to the Committee regarding the amendment.

The Sturgeon Bay Utility Commission will serve as the Policy Advisory Committee for the SSAP. The by-laws of the Committee are provided in Appendix D.

C. Procedure For Sewer Extension Reviews

The DNR will require applications for sewer extensions in the Sturgeon Bay area be reviewed by the Advisory Committee to determine if the extension is in conformance with the SSAP.

The SSAP conformance review procedure is as follows:

1. Requests for the installation of sewer main shall be submitted, in writing, to the City of Sturgeon Bay and reviewed by the Community Development Department. If the proposed project is considered reasonable and appropriate, the Community Development Department will submit the project to the Sturgeon Bay Utility Commission (SSAP Policy Advisory Committee) to review the proposed project to determine if it is in conformance with the SSAP.
2. The Advisory Committee shall advise the Common Council, if the proposed project is or is not in conformance with the SSAP. This advisory shall be in the form of a written letter commonly referred to as a '208 Conformance Letter'. If the project is in conformance, the 208 Conformance Letter is to be attached to the sewer extension plans, which are submitted to the DNR.
3. If the proposed extension is not in conformance with the SSAP, the Advisory Committee will notify the applicant by letter.
4. If the applicant wishes to pursue the project and the Committee agrees that the project is feasible, the SSAP must be amended in order for the proposed extension to be in conformance. The process for adopting Plan Amendments is presented in the section entitled, "Sewer Service Area Amendment Process."
5. After the Plan is amended, the applicant should resubmit the proposed project to the Common Council for review and approval.

D. Wastewater Treatment Facilities Review

It is not anticipated that there will be any need for additional sewage treatment facilities to serve development in the planning area. Any sewage collection facilities built within the established 20-year Sewer Service Area should be connected to the SBU Wastewater Treatment Plant.

E. Sewer Service Area Amendment Process

A Sewer Service Area Amendment Process has been established by the Advisory Committee to accommodate changing conditions and community plans. The Advisory Committee will review the proposed amendment with regard to the SSAP Amendment policies and criteria, which are described in this section. The Committee review and recommendation will be submitted to the DNR. A technical review of the proposed amendment will be conducted by the staff of the Utilities with input from the Community Development Department and other City Departments, as deemed appropriate. The staff review and recommendation shall be submitted to the Committee. If the amendment area is located in one of the neighboring towns, the Advisory Committee will meet with the appropriate Town Officials regarding the proposed amendment. Town officials will be given an opportunity to provide input to the Committee regarding the amendment.

The DNR will consider the review and recommendation of the Committee. If the proposed project involves development in an Environmentally Sensitive Area, the DNR may require the applicant to prepare an Environmental Assessment Statement. After the DNR has approved the amendment, the sewer service extension plans may be reviewed by the Advisory Committee and submitted to the DNR for sewer extension plan approval.

The formal amendment process includes the following elements:

1. Section I - Amendment Policies:

- a. Sewer Service Area boundaries may be modified or expanded to incorporate map changes or to accommodate new information.
- b. Sewer Service Area boundaries may be modified (acreage swap), provided there is no increase in the total acreage of the specific sewer service area.
- c. Sewer Service Area boundaries may be expanded, provided there is a documented need for a sanitary sewer collection system for areas of existing urban development with on-site systems.

- d. Sewer Service Area boundaries may be expanded, provided there is a documented need for sanitary sewers to serve a proposed unique facility. The proposed facility shall be immediately adjacent to an existing service area, and shall not promote or provide for additional urban development. Unique facilities may include park facilities, landfills, etc.
- e. The boundary amendment must be in conformance with adopted local comprehensive plan and zoning regulations, and the established goals and objectives of the SSAP.
- f. Sewer Service Area boundaries may be modified by the re-designation of previously identified Environmentally Sensitive Areas consistent with all the following standards:
 - 1) The environmentally sensitive area is immediately adjacent to, or within, an existing sewer service area.
 - 2) Appropriate local, state and federal environmental permits are granted for the proposed development.
- g. There will be minimal adverse impacts on water quality as a result of development allowed by the amendment.
- h. Wastewater treatment facilities must have sufficient capacity to treat the projected wastewater flows generated by the added territory.

2. Section II - Amendment Procedures:

The following procedures shall be followed for the review of proposed sewer service area amendments:

- a. A request for Sewer Service Area amendments should be made to the Sturgeon Bay Utility Commission. The request should include the following:
 - 1) A map of the proposed amendment area (and area to be deleted if it is a 'swap amendment'), showing its relationship to the existing Sewer Service Area boundary, or location of lands designated as environmentally sensitive areas that will be excluded from sewered development. Environmentally sensitive areas should include wetlands, shore lands, floodplains or floodways, steep slopes and other areas as determined by the SSAP. Maps should have

adequate detail to precisely identify boundaries, including the Section, Township and Range, community and county.

- 2) Description of existing and proposed land uses, population, wastewater generation and preliminary wastewater collection system layout. The applicant should include information indicating how the proposal relates to any adopted community land use plan(s), and DOA accepted population projections.
- 3) A Storm Water Management Plan for the area may be required in accordance with local requirements.
- 4) General development plans for the area, including land use proposals and a preliminary implementation schedule.
- 5) Estimates of existing and anticipated service population and quantity of wastewater generated.

b. The request shall be reviewed by the SSAP Advisory Committee. The following elements shall be considered during the review:

- 1) Conformance with community plans.
- 2) Development trends in the area.
- 3) Possible impacts on the physical environment.
- 4) Cost effectiveness of the proposed amendment, compared to other alternatives. The Committee may request the applicant to prepare a Cost Effective Analysis.
- 5) Conformance with the adopted SSAP and the amendment standards.
- 6) Available capacity of the wastewater treatment and collection systems.
- 7) Amendments shall have a common boundary with the current Sewer Service Area, and *shall not create a void within the service area*. Satellite Sewer Service Areas extended to serve an existing development that has failing on-site sewage systems may be an exception to this criteria.
- 8) Appropriate Town Officials will be included in the review process.

c. The Advisory Committee will conduct a Water Quality Impact Assessment of the proposed amendment. To protect water quality, the Committee may establish conditions of approval.

- d. The Advisory Committee will hold a Public Hearing on the proposed amendment.
- e. All public comments and recommendations of the Advisory Committee shall be submitted to the DNR for review and approval. If the DNR rejects the amendment, the Committee may request the DNR reconsider the decision. An individual has the right to appeal Committee and/or DNR decisions. The appeal shall be submitted to the Committee for action at a regularly scheduled meeting. Further appeals may be submitted directly to the DNR.

3. Section III - Plan Amendments:

Other amendments to this Plan will require approval of the Advisory Committee. Proposed amendments shall be submitted to the Advisory Committee for review and approval. Amendments approved by the Advisory Committee will be submitted to the DNR for review and final approval.

F. Plan Update

A comprehensive review and update of the SBU SSAP should be undertaken every 5-years. The update should include, as a minimum:

- 1. A review and update of population and demographic projections for a 20-year period.
- 2. A review of population densities, household size, and urban development trends in the area.
- 3. Assessment of the impact of major land use changes or developments in the planning area.
- 4. A review of any significant changes to environmentally important lands in the area.
- 5. Revisions to the policy statements of the Plan.
- 6. A brief description of relevant events occurring during the preceding 5-years, which impact on area-wide water quality planning.
- 7. A brief description of amendments to the plan and service area boundaries that were made during the preceding 5-years.

8. A revised service area boundary extended to accommodate the area's projected population.
9. A review of housing starts during the preceding 5-years.
10. A review of changes in the institutional structure for plan review and implementation.
11. An update on citizen participation efforts.

V. PUBLIC PARTICIPATION

The Public Participation process includes distributing general information regarding the planning process, provisions for direct public involvement, and documentation relating to the process.

A press release describing the SSAP process has been distributed to local news media, public interest groups and public officials, and posted on the Utilities website. A copy of the press release is provided in Appendix E. Minutes of the Public Hearing and the regular meeting held on March 7, 2011, to approve the SSAP are also included in Appendix F.

The Sturgeon Bay Utility Commission, serving as the SSAP Policy Advisory Committee, will oversee the implementation of the SSAP. The Commission meets on the first Monday, following the first Tuesday of each month. Local officials and citizens may address the Commission at regularly scheduled meetings. The management staff of the Utilities is also available to review the Plan with interested persons.

A record of discussions held by the Utility Commission regarding the SSAP will be included in the regular meeting minutes. These minutes will be kept on file by the Utility and will be made available, upon request, to the general public. The following items will also be kept on file by the Utility: a record of the proceedings of the public hearings, copies of press releases, and the affidavit of publication of public hearing notice(s).

APPENDIX A

EXISTING SANITARY SEWER SYSTEM MAP

APPENDIX B

ALTERNATE POPULATION PROJECTION FIGURES

Source: The City Of Sturgeon Bay Comprehensive Plan, March 2, 2010.

Figure 2-3: Alternative Population Projections, Bay-Lake Regional Planning Commission

	State of Wisconsin		Door County		City of Sturgeon Bay	
	Total	% Change	Total	% Change	Total	% Change
1980	4,705,642	-	25,019	-	8,847	-
1990	4,891,769	4.0%	25,690	-	9,176	-
2000	5,363,715	9.6%	27,961	-	9,437	-
2005	5,647,000	5.3%	30,043	7.4%	10,036	6.3%
2010	5,596,279	-0.9%	29,841	-0.7%	9,866	-1.7%
2015	5,965,908	6.6%	31,509	5.6%	10,310	4.5%
2020	6,146,445	3.0%	31,668	0.5%	10,253	-0.6%
2025	6,311,388	2.7%	31,070	-1.9%	9,952	-2.9%
2030	6,453,265	2.2%	30,065	-3.2%	9,527	-4.3%
2035	6,685,830	3.6%	31,945	6.3%	10,013	5.1%
Net		0.246		0.142		0.061

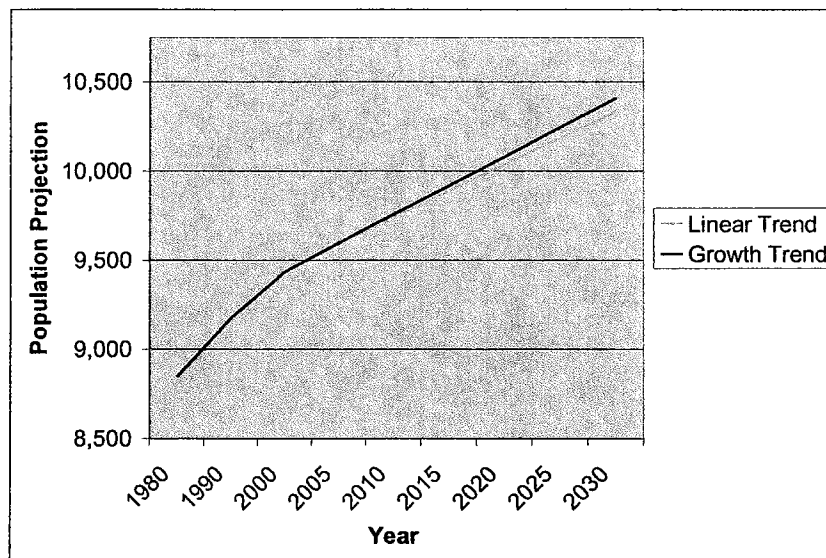
Source: Bay-Lake Regional Plan Commission

Figure 2-4: Alternative Population Projections for Sturgeon Bay, Bay-Lake Regional Planning Commission

	Linear Trend	Growth Trend
1980	8,847	8,847
1990	9,176	9,176
2000	9,437	9,437
2005	9,590	9,599
2010	9,743	9,760
2015	9,891	9,920
2020	10,038	10,081
2025	10,186	10,246
2030	10,333	10,411

Source: Bay-Lake Regional Plan Commission

Figure 2-5: Alternative Population Projections for Sturgeon Bay, Bay-Lake Regional Planning Commission



APPENDIX C

CITY OF STURGEON BAY STORM WATER ORDINANCE

CHAPTER 33 STORMWATER UTILITY MANAGEMENT CODE

33.100 Foreword.

The city council (hereinafter "council") of Sturgeon Bay does hereby ordain that chapter 33 of the Code of Ordinances of Sturgeon Bay is created to read as follows:

(Ord. No. 1162-0306, § 1, 3-21-06)

33.101 Purpose; intent.

(1) *Purpose.*

(a) It is the purpose of this chapter to further the maintenance of safe and healthful conditions; prevent and control water pollution; prevent and control soil erosion; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth, by minimizing the amount of sediment and other pollutants carried by runoff or discharged from land disturbing construction activity to waters of the state in Sturgeon Bay.

(b) The general purpose of this chapter is to establish long-term, post-construction runoff management requirements that will diminish the threats to public health, safety, welfare and the aquatic environment. Specific purposes are to:

1. Further the maintenance of safe and healthful conditions.
2. Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; preserve ground cover and scenic beauty; and promote sound economic growth.
3. Control exceedance of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in the scouring and transportation of particulate matter; and prevent conditions that endanger downstream property.

(2) *Intent.*

(a) It is the intent of the council that this chapter regulates post-construction stormwater discharges to waters of the state. This chapter may be applied on a site-by-site basis. The council recognizes, however, that the preferred method of achieving the stormwater performance standards set forth in this chapter is through the preparation and implementation of comprehensive, systems-level storm water management plans that cover hydrologic units, such as watersheds, on a municipal and regional scale. Such plans may prescribe regional storm water devices, practices or systems, any of which may be designed to treat runoff from more than one site prior to discharge to waters of the state. Where such plans are in conformance with the performance standards developed under § 281.16, Wis. Stats., for regional stormwater management measures and have been approved by the director and/or the board, it is the intent of this chapter that the approved plan be used to identify post-construction management measures acceptable for the community.

(Ord. No. 1162-0306, § 1, 3-21-06)

33.102 Statutory references.

All statutory and regulatory references are to the 2003-04 Wisconsin Statutes and to the 2004 Wisconsin Administrative Code, as they may be amended from time to time.

(Ord. No. 1162-0306, § 1, 3-21-06)

33.103 Authority.

(1) *General.*

(a) This chapter is adopted under the authority granted by Ch. 66, Wis. Stats., including but not limited to the following specific statutory sections: 66.0621, 66.0809, 66.0811 and 66.0821.

(b) The provisions of this chapter shall not be deemed to limit any other lawful powers of the council.

(c) Designees. The council hereby designates:

1. The board (hereinafter "board") to administer and enforce the provisions of this chapter; and
2. The director (hereinafter "director") with authority for general and regular administration.

(d) The requirements of this chapter do not pre-empt more stringent erosion and sediment control requirements that may be imposed by any of the following:

1. Wisconsin Department of Natural Resources administrative rules, permits or approvals, including those authorized under §§ 281.16 and 283.33, Wis. Stats.
2. Targeted nonagricultural performance standards promulgated in rules by the Wisconsin Department of Natural Resources under § NR 151.004, Wis. Admin. Code.

(2) *[Adopted.]* Chapter 33 is adopted by the council under the authority granted by § 62.234, Wis. Stats. This chapter supersedes all provisions of an ordinance previously enacted under § 62.23, Wis. Stats., that relate to construction site erosion control and post construction stormwater management. Except as otherwise specified in § 62.234, Wis. Stats., § 62.23, Wis. Stats., applies to this chapter and to any amendments to this chapter.

(Ord. No. 1162-0306, § 1, 3-21-06)

33.104 Disclaimer.

Nothing contained in this chapter is intended to be a guaranty against flooding or other damage to property or persons. The adoption of this chapter shall not be construed as a waiver of the city's statutory and common law rights of immunity against claims. All rights are reserved. Furthermore, in carrying out the provisions of this chapter there shall be no personal liability against any city elected official, officer, employee or agent.

(Ord. No. 1162-0306, § 1, 3-21-06)

33.105 Findings of fact.

(1) *Section 33.200.* The council finds that runoff from land disturbing construction activity carries a significant amount of sediment and other pollutants to the waters of the state in Sturgeon Bay.

(2) *Section 33.300* The council finds that uncontrolled, post-construction runoff has a significant impact upon water resources and the health, safety and general welfare of the community and diminishes the public enjoyment and use of natural resources. Specifically, uncontrolled post-construction runoff can:

(a) Degrade physical stream habitat by increasing stream bank erosion, increasing streambed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperature.

(b) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacterial, pathogens and other urban pollutants.

- (c) Alter wetland communities by changing wetland hydrology and by increasing pollutant loads.
 - (d) Reduce the quality of groundwater by increasing pollutant loading.
 - (e) Threaten public health, safety, property and general welfare by overtaxing storm sewers, drainage ways, and other minor drainage facilities.
 - (f) Threaten public health, safety, property and general welfare by increasing major flood peaks and volumes.
 - (g) Undermine floodplain management efforts by increasing the incidence and levels of flooding.
- (Ord. No. 1162-0306, § 1, 3-21-06)

33.106 Jurisdiction and exclusions/exemptions.

(1) *Jurisdiction.*

(a) Sections 33.200 and 33.300 shall apply to the following sites:

1. *City corporate limits.* Land disturbing construction activities and post construction stormwater management improvements on construction sites located within the boundaries and jurisdiction of Sturgeon Bay, and
2. *Subdivision and minor land divisions.* Land disturbing construction activities and post construction stormwater management improvements on lands within the extraterritorial division of land subject to City Ordinance Chapter 21 enacted pursuant to § 236.45(2) and (3), Wis. Stats., even if plat approval is not involved.

(2) *Exclusions/exemptions.*

(a) *Sections 33.200 and 33.300.* This chapter is not applicable to activities conducted by a state agency, as defined under § 227.01(1), Wis. Stats., but also including the office of district attorney, which is subject to the state plan promulgated or a memorandum of understanding entered into under § 281.33(2), Wis. Stats.

(Ord. No. 1162-0306, § 1, 3-21-06)

33.107. Interpretation.

(1) *Liberal interpretation.* This chapter shall be interpreted liberally to secure the ends sought hereby. In their interpretation and application, the provisions of this chapter shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(Ord. No. 1162-0306, § 1, 3-21-06)

33.108 Abrogation and greater restrictions.

(1) This chapter is not intended to repeal, abrogate, annul, impair, or interfere with any existing easement, covenants, deed restrictions, agreements, rules, regulations, ordinances or permits previously adopted or issued pursuant to law.

(2) The provisions of this chapter shall be minimum requirements. Where the provisions of this chapter conflict with the provisions of any applicable city, county, state or federal ordinance, statute, rule or regulation, the provisions of the more restrictive law shall control where relevant.

(Ord. No. 1162-0306, § 1, 3-21-06)

33.109 Severability.

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

(Ord. No. 1162-0306, § 1, 3-21-06)

33.110. Definitions.

- (1) *Administering authority* means a governmental employee, or a regional planning commission empowered under § 62.234, Wis. Stats, that is designated by the city council to administer this chapter.
- (2) *Agricultural facilities and practices* has the meaning in § 281.16(1), Wis. Stats.
- (3) *Applicant* means any landowner, land user(s), their agent, or contractor responsible for submitting and carrying out the requirements of this chapter. Applicant shall also mean any subsequent landowner to whom this chapter applies.
- (4) *Average annual rainfall* means a calendar year of precipitation, excluding snow, which is considered typical. An average annual rainfall for Green Bay, 1969 (March 29--November 25) is applicable for the city.
- (5) *Best management practice* or *BMP* means structural or nonstructural measures, practices, techniques or devices employed to avoid or minimize soil, sediment or pollutants carried in runoff to waters of the state.
- (6) *Best management practice handbook* or *BMPH* means the Department of Natural Resources "Wisconsin Construction Site Best Management Practice Handbook", Wis. DNR publication WR-222, November 1993 Revision.
- (7) *Board* means the Sturgeon Bay "Board of Public Works".
- (8) *Board of appeals* means the Sturgeon Bay "Board of Zoning Appeals".
- (9) *Business day* means a day the office of the department of public works is routinely and customarily open for business.
- (10) *Cease and desist order* means a court-issued order to halt land disturbing construction activity that is being conducted without the required permit.
- (11) *City* means the City of Sturgeon Bay (an incorporated Wisconsin community).
- (12) *Combined sewer system* means a system for conveying both sanitary sewage and storm water runoff.
- (13) *Common plan of development or sale* means all lands included within the boundary of a certified survey or subdivision plat created for the purpose of development or sale of property where multiple separate and distinct land development activity may take place at different times and on different schedules.
- (14) *Connected imperviousness* means an impervious surface that is directly connected to a separate storm sewer or water of the state via an impervious flow path.
- (15) *Construction site* means an area upon which one or more land disturbing construction activities occur, including areas that are part of a larger common plan of development or sale where multiple separate and distinct land disturbing construction activities may be taking place at different times on different schedules but under one plan.
- (16) *Council* means the Sturgeon Bay City Council.
- (17) *Customer* means any person, owner or occupant, firm, partnership, corporation, municipality, cooperative organization, Governmental agency or political entity provided with stormwater management services by the city stormwater utility.

(18) *Debt service* means, with respect to any particular fiscal year and any particular bond series, an amount equal to the sum of (a) all interest payable on such bonds during such fiscal year, plus (b) any principal installments of such bonds during such fiscal year.

(19) *Department* means the Wisconsin Department of Natural Resources.

(20) *Design storm/rainfall event* means a hypothetical discrete rainstorm characterized by a specific duration, temporal distribution, rainfall intensity, return frequency, and total depth of rainfall. The storm duration shall be 24 hours. Twenty-four-hour rainfall amounts for the city are as follows:

(a) TR55;

TABLE INSET:

Frequency	Total Rainfall (inches)
2	2.4
5	3.1
10	3.6
25	4.1
50	4.6
100	4.9

(b) Or as from "The Rainfall Frequency Atlas of the Midwest" (Floyd A. Huff and James R. Angel) Bulletin 71 of the Midwestern Climate Center (1992).

(21) *Development* means residential, commercial, industrial or institutional land uses and associated roads that have impervious area.

(22) *Director* means the city director of public works or their designee.

(23) *Discharge volume* means the quantity of runoff discharged from land surface as the result of a rainfall event.

(24) *Division of land* means the creation from one parcel of five or more parcels or building sites of 1 1/2 or fewer acres each in area where such creation occurs at one time or through the successive partition within a five-year period.

(25) *Effective infiltration area* means the area of the infiltration system that is used to infiltrate runoff and does not include the area used for site access, berms or pretreatment.

(26) *Erosion* means the process by which the land's surface is worn away by the action of wind, water, ice or gravity.

(27) *Erosion and sediment control plan* means a comprehensive plan developed to address pollution caused by erosion and sedimentation of soil particles or rock fragments during construction.

(28) *Exceptional resource waters* means waters listed in § NR 102.11, Wis. Admin. Code.

(29) *Existing land use condition* means the condition of the adjacent properties that are present at the time of the stormwater permit application. This term applies only for the purpose of properly sizing stormwater BMP's and stormwater conveyance systems per the requirements of this article.

(30) *Extraterritorial* means the unincorporated area within three miles of the corporate limits of a first, second, or third class city, or within 1.5 miles of a fourth class city or village.

(31) *Fee in lieu* means a payment of money to the city in place of meeting all or part of the stormwater performance standards required by this article.

(32) *Final stabilization* means that all land disturbing construction activities at the construction site have been completed and that a uniform perennial vegetative cover has been established, with a density of at least 70 percent of the cover, for the unpaved areas and areas not covered by permanent structures, or that employ equivalent permanent stabilization measures.

(33) *Financial security/guarantee* means a performance bond, maintenance bond, surety bond, irrevocable letter of credit, or similar guarantees submitted to the board by the responsible party to assure that requirements of the ordinance are carried out in compliance with the storm water management plan.

(34) *Governing body* means town board of supervisors, county board of supervisors, city council, and village board of trustees or village council.

(35) *Gross aggregate area* means the total area, in acres, of all land located within the property boundary containing the land development activity.

(36) *Groundwater enforcement standard* means a numerical value expressing the concentration of a substance in groundwater, which is adopted under § 160.07, Wis. Stats., and Admin. Code NR 140.10, or § 160.09, Wis. Stats., and Admin. Code NR 140.12.

(37) *Groundwater preventative action limit* means a numerical value expressing the concentration of a substance in groundwater, which is adopted under § 160.15, Wis. Stats., and Admin. Code NR 140.12, or Wis. Admin. Code NR 140.20.

(38) *Impervious surface* means a surface as measured on a horizontal plane which has been compacted or covered with a layer of material or improvements that reduce natural infiltration into the soil from rain water or snow melt. Impervious surfaces release as runoff all or a large portion of the precipitation that falls on it, except for frozen soil.

(a) Impervious surfaces include but are not limited to all areas covered by structures, roof extensions and overhangs, patios, porches, driveways, loading docks, pools, sidewalks, sports courts and driveways or parking lots. Impervious area shall include driveway/access improvements that both serve a parcel leading to a public street and are not located on the subject parcel. Rooftops, sidewalks, driveways, parking lots and streets are examples of areas that typically are impervious.

(b) Pervious surfaces include but are not limited to elevated decks that uniformly distribute drainage to underlying soil, areas of public streets or public sidewalks adjacent to a parcel with the exception of where a public sidewalk crosses a driveway.

(39) *Infill* and *infill development area* means an undeveloped area of land located within or surrounded by existing development, or existing development and natural or man-made features. These areas may be served by storm sewer drainage improvements. The city may develop a map identifying parcels of land that constitute infill. The map shall be updated annually. As lands designated as infill are developed, the land shall no longer be classified as infill, even though the map has not yet been updated. Map updates shall not require board or council approval.

(40) *Infiltration* means the entry of precipitation or runoff into or through the soil.

(41) *Infiltration system* means a device or practice such as a basin, trench, rain garden or swale designed specifically to encourage infiltration, but does not include natural infiltration in pervious surfaces such as lawns, redirecting of rooftop downspouts onto lawns or minimal infiltration from practices, such as swales or road side channels designed for conveyance and pollutant removal only.

(42) *Karst feature* means an area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

(43) *Land development activity* and *land redevelopment activity* means any activity that changes the volume or peak flow discharge rate of rainfall runoff or nutrient/sediment load from the land surface. This term does not include agricultural land use activities.

(44) *Land disturbing construction activity* means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or nonvegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities. Land disturbing construction activity exclude agricultural facilities and practices, silviculture activities, or routine maintenance for project sites that involve under five acres of land disturbance that are performed to maintain the original line and grade, hydraulic capacity, or original function of the facility.

(45) *Land owner* means any person holding title to or having an interest in land.

(46) *Land user* means any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of their land.

(47) *Maintenance agreement* means a legal document that provides for long-term maintenance of stormwater management practices.

(48) *MEP* or *maximum extent practicable* means a level of implementing best management practices in order to achieve a performance standard specified in this chapter which takes into account the best available technology, cost effectiveness and other competing issues such as human safety and welfare, endangered and threatened resources, historic properties and geographic features. MEP allows flexibility in the way to meet the performance standards and may vary based on the performance standard and site conditions.

(49) *Natural wetlands* means an area where:

- (a) Water is at, near, or above the land surface long enough to be capable of supporting;
- (b) Aquatic or hydrophytic vegetation; and
- (c) Which has soils indicative of perennial wet conditions.

(50) *New development* means development resulting from the conversion of previously undeveloped land or agricultural land uses.

(51) *Nondeveloped* means properties that have no improvements or impervious surface that contributes additional runoff.

(52) *Nonstormwater discharge* means a discharge to the storm sewer/drainage system created by some process other than the runoff from precipitation.

(53) *Nonresidential* means any developed property not used, primarily, as a permanent residence, such as a commercial, industrial or municipal/institutional property.

(54) *Nonstormwater discharge* means a discharge to the storm sewer system created by some process other than the runoff from precipitation.

(55) *Nonstructural measure* means a practice, technique, or measure to reduce the volume, peak flow rate, or pollutants in stormwater that does not require the design or installation of fixed stormwater management facilities.

(56) *Notice of intent* means a notice required by Wis. Admin. Code NR 151.11, Commerce 61.115(1), or NR 216.

(57) *NRCS* means the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA) formerly known as the SCS (Soil Conservation Service of the USDA).

- (58) *Off-site* means located outside the property boundary described in the permit application.
- (59) *On-site* means located within the property boundary described in the permit application.
- (60) *On-site stormwater management system* means a system designed to both mitigate flood impacts and provide adequate treatment of pollutants in stormwater runoff. Systems are defined as being constructed on a particular parcel for which a customer is billed. Systems include but are not limited to rain gardens, cisterns, infiltration trenches, pre-treatment systems, detention and wet detention/retention basins.
- (61) *Operation and maintenance* means the current expenses, paid or accrued, of operation, maintenance and current repair of the system. The value shall be calculated using standard accounting practice and includes, without limitation, insurance premiums, administrative expenses, labor, executive compensation, regulatory compliance, materials and supplies used for current operations, and charges for accumulating reserves for current expenses not annually incurred, but which may be reasonably be expected to be incurred using standard accounting practices.
- (62) *Ordinary high-water mark* has the meaning given in Wis. Admin. Code § NR 115.03(6).
- (63) *Other than residential development* means development of the following land uses: commercial, industrial, government and institutional, recreation, transportation, communication and utilities.
- (64) *Outstanding resource waters* means waters listed in Wis. Admin. Code § NR 102.10.
- (65) *Parcel* means the legal unit of land division as recorded by the county register of deeds.
- (66) *Peak flow* or *peak flow discharge rate* means the maximum rate at which a unit volume of stormwater is discharged. This is commonly expressed in terms of cubic feet per second (cfs).
- (67) *Percent fines* means the percentage of a given sample of soil, which passes through a number 200 sieve in accordance with the "American Society for Testing and Materials", volume 04.02, "Test Method C117-95 Standard Test Method for Materials Finer than 75-um (no. 200) Sieve in Material Aggregates by Washing".
- (68) *Performance standard* means a narrative or measurable number specifying the minimum acceptable outcome for a facility or practice.
- (69) *Permit* means a written authorization made by the director to the applicant to conduct land disturbing construction activity or to discharge post-construction runoff to waters of the state.
- (70) *Permit administration fee* means a sum of money paid to the director by the permit applicant for the purpose of recouping the expenses incurred by the authority in administering the permit.
- (71) *Pervious surface* means an area that releases as runoff a small portion of the precipitation that falls on it. Lawns, gardens, parks, forests or other similar vegetated areas are examples of surfaces that typically are pervious.
- (72) *Pollutant* has the meaning given in § 283.01(13), Wis. Stats.
- (73) *Pollution* has the meaning given in § 281.01(10), Wis. Stats.
- (74) *Population* has the meaning given in § 281.66(1)(c), Wis. Stats.
- (75) *Post-construction site* means a construction site following the completion of land disturbing construction activity and final site stabilization.
- (76) *Post-construction site stormwater discharge* means any stormwater discharged from a site following the completion of land disturbing construction activity and final site stabilization.
- (77) *Post-development land use condition* means the extent and distribution of land cover types, anticipated to occur under conditions of full development that will influence precipitation runoff and infiltration (also reference "proposed land use condition").

(78) *Pre-development condition* means the extent and distribution of land cover types present before the initiation of land disturbing construction activity, assuming that all land uses prior to development activity are managed in an environmentally sound manner. Section 33.303(3)(b)5 identifies the respective curve runoff numbers to be used. This term has the purpose of comparing pre-development and post-development stormwater peak flows as required by this chapter.

(79) *Pre-treatment* means the treatment of stormwater prior to discharge to wetlands, infiltration practices or the primary stormwater treatment practice. The goal of pretreatment is to reduce pollutant loads to a level compatible with the capability of the primary practice.

(80) *Preventive action limit* has the meaning given in Wis. Admin. Code § NR 140.05(17).

(81) *Proposed land use* or *post-development conditions* means the extent and distribution of land cover types, anticipated to occur under conditions of full development that will influence precipitation runoff and infiltration.

(82) *Public drainage system* means all facilities owned and operated by the city, county or Wisconsin Department of Transportation for the purpose of collecting, conveying, storing, treating, and disposing of stormwater.

(83) *Qualifying receiving water* means a receiving body of water within the city's corporate boundaries for which the city has, or is expected to have, little or no debt service and/or capital improvement costs. Those portions of Sturgeon Bay located within the city corporate limits are qualifying receiving waters.

(84) *Redevelopment* means areas where development is replacing older development.

(85) *Residential land development* means development that creates structures to house people. This includes residential dwelling units and surrounding property including but not limited to lawns, driveways, sidewalks, garages, and access streets. This type of development includes single-family, multifamily and apartments.

(86) *Regional stormwater management* means the consideration, evaluation and improvement of both significant natural and man-made drainage areas. Individual project sites typically are included in "regional management areas".

(87) *Responsible party* means any entity holding fee title to the property or performing services to meet the performance standards of this chapter through a contract or other agreement.

(88) *Runoff* means storm water or precipitation including rain, snow or ice melt or similar water that moves on the land surface via sheet or channelized flow. Impervious surfaces result in runoff from naturally infiltrating into soil.

(89) *Runoff curve number* or *RCN* means an index that represents the combination of a hydrologic soil group, land use, land cover, impervious area, interception storage, surface storage, and antecedent moisture conditions. RCN's convert mass rainfall into mass runoff. The NRCS identifies RCN's in TR-55.

(90) *Sediment* means settleable solid material that is transported by runoff, suspended within runoff or deposited by runoff away from its original location.

(91) *Separate storm sewer* means a conveyance or system of conveyances including roads with drainage systems, streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meets all of the following criteria:

- (a) Is designed or used for collecting water or conveying runoff.
- (b) Is not part of a combined sewer system.
- (c) Is not draining to a storm water treatment device or system.
- (d) Discharges directly or indirectly to waters of the state.

- (92) *Site* means the entire area included in the legal description of the land on which the land disturbing construction activity is proposed in the permit application.
- (93) *Site restriction* means any physical characteristic that limits the use of a stormwater best management practice (BMP).
- (94) *SLAMM* means the Source Loading and Management Model.
- (95) *Stop work order* means an order issued by the director which requires that all construction activity on the site be stopped.
- (96) *Stormwater conveyance system* means any method employed to direct stormwater runoff within and from land development or redevelopment activities to waters of the state. Examples include but are not limited to swales, channels and storm sewers.
- (97) *Stormwater management measure* means structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.
- (98) *Stormwater management plan* means a comprehensive plan prepared by the land developer, land owner, or permit holder that is designed to reduce stormwater quantity and rates and pollutants from the post-development land use condition to levels that meet the requirements of this chapter. The plan applies to conditions after the site has undergone final stabilization following completion of the construction activity.
- (99) *Stormwater runoff* means that portion of precipitation that does not infiltrate into the soil and flows from the land surface into natural or man-made conveyances.
- (100) *Stormwater management services* means the tasks required to control stormwater runoff to protect the health, safety, and welfare of the public, and comply with the state and federal regulations. They include but are not limited to street sweeping, erosion control, stormwater basin improvements and maintenance, culvert and storm sewer maintenance, stormwater testing, stormwater management planning and related public education.
- (101) *Stormwater management system* means all public storm sewers, drainage conduits and conveyances, roadside ditches, curb and gutter, and public greenways, and all improvements that are the property and responsibility of the storm water utility. These systems are operated to perform the following (without limitation) conserve water, control discharges from rainfall events, incorporate methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, environmental degradation and water pollution or otherwise affect the quality and quantity of discharge from such system.
- (102) *Stormwater management system plan* is a comprehensive plan designed to reduce the discharge of runoff and pollutants from hydrologic units on a regional or municipal scale.
- (103) *Targeted performance standard* means a performance standard that will apply to a specific area that will require additional practices to meet water quality standards.
- (104) *Technical standard* means a document that specifies design, predicted performance and operation and maintenance specifications for a material, device or method.
- The following methods shall be used to design the water quality, peak flow reduction and infiltration components of stormwater practices to meet the water quality standards of this ordinance.
- (a) Technical standards identified, developed or disseminated by the department through Wis. Admin. Code NR 151 subchapter V.
- (b) Where technical standards have not been identified or developed by the department, other technical standards may be used provided that the methods have been approved by the city.

(105) *Top of the channel* means an edge, or point on the landscape, landward from the ordinary high-water mark of a surface water of the state, where the slope of the land begins to be less than 12 percent continually for at least 50 feet. If the slope of the land is 12 percent or less continually for the initial 50 feet, landward from the ordinary high-water mark, the top of the channel is the ordinary high-water mark.

(106) *Transportation facility* means a highway, railroad, public mass transit facility, public-use airport, public trail and also includes any other public work for transportation purposes under § 85.095(1)(b), Wis. Stats. A transportation facility does not include building sites for the construction of public buildings and buildings that are places of employment that are regulated by the Department of Commerce pursuant to § 101.1205, Wis. Stats.

(107) *TR-55* means the United States Department of Agriculture, Natural Resources Conservation Service (previously Soil Conservation Service), Urban Hydrology for Small Watersheds, Second Edition, Technical Release 55, June 19892.

(108) *Type II distribution* means a rainfall type curve as established in the "United States Department of Agriculture, Soil Construction Service, Technical Paper 149, published 1973". The Type II curve is applicable to all of Wisconsin and represents the most intense storm pattern.

(109) *Undeveloped* means a real property parcel with no impervious area.

(110) *Velocity dissipation devices* have the meaning as defined in the best management practices handbook.

(111) *Waters of the state* has the meaning given in § 281.01(18), Wis. Stats.

(112) *Wetland functional value* means the type, quality, and significance of the ecological and cultural benefits provided by wetland resources, such as: flood storage, water quality protection, groundwater recharge and discharge, shoreline protection, fish and wildlife habitat, floral diversity, aesthetics, recreation, and education.

(113) *WPDES* means Wisconsin Pollutant Discharge Elimination System.

(114) *WPDES stormwater permit* means a permit issued by the Wisconsin Department of Natural Resources that authorizes the point source discharge of stormwater to waters of the state. It is issued under § 283, Wis. Stats., and is regulated by Wis. Admin. Code NR 216.

(Ord. No. 1162-0306, § 1, 3-21-06)

33.111 Fees.

The fees referred to in other sections of this chapter shall be established by the board and may from time to time be modified by resolution. A schedule of the fees established by the board shall be available for review in the director's Office.

(1) *Section 33.200 activity:*

(a) Unless otherwise excepted by this chapter, a permit application must be accompanied by a non-refundable permit administration fee.

(2) *Section 33.300 activity:*

(a) Unless otherwise excepted by this chapter, a permit application must be accompanied by a non-refundable permit administration fee.

(Ord. No. 1162-0306, § 1, 3-21-06)

33.112 Financial security required.

As a condition of approval and issuance of the permit, the board may require the applicant to deposit a surety bond, irrevocable letter of credit or three-party cash escrow to guarantee a good

faith execution of the approved erosion control and/or stormwater management plan and any permit conditions.

(1) *Establishing security.* The director may require the submittal of a financial guarantee, the form and type of which shall be acceptable to the director and city attorney. The financial guarantee shall be in an amount determined by the director to be the estimated cost of construction and the estimated cost of maintenance of the stormwater management practices during the period which the designated party in the maintenance agreement has maintenance responsibility. The required security shall also be sufficient to reimburse the city for its reasonable professional engineering and legal expenses incurred in the review, administration and enforcement of the permit. The financial guarantee shall give the director the authorization to use the funds to complete the storm water management practices if the responsible party defaults or does not properly implement the approved storm water management plan, upon written notice to the responsible party by the director that the requirements of this article have not been met.

(2) *Conditions for release.* Conditions for the release of the financial guarantee are as follows:

(a) The director shall release the portion of the financial guarantee established under this section, less any costs incurred by the city to complete installation of practices, upon submission of "record drawing plans" (i.e. "as built") by a licensed professional engineer. The director may make provisions for a partial pro-rata release of the financial guarantee based on the completion of various development stages.

(b) The director shall release the portion of the financial guarantee established under this section to assure maintenance of stormwater practices, less any costs incurred by the director, at such time that the responsibility for practice maintenance is passed on to another entity via an approved maintenance agreement.

(c) The release of the financial guarantee required by this chapter is not subject to the retainage provisions of § 66.0901(9), Wis. Stats.

(Ord. No. 1162-0306, § 1, 3-21-06)

33.113 Enforcement.

(1) *Section 33.200 activity:*

(a) The director may post a stop-work order if any of the following occurs:

1. Any land disturbing construction activity regulated under this chapter is being undertaken without a permit.

2. The erosion and sediment control plan is not being implemented in a good faith manner.

3. The conditions of the permit are not being met.

(b) If the responsible party does not cease activity as required in a stop-work order posted under this section or fails to comply with the erosion and sediment control plan or permit conditions, the director may revoke the permit.

(c) If the responsible party, where no permit has been issued, does not cease the activity after being notified by the director, or if a responsible party violates a stop-work order posted under subparagraph (1), the director may request the district attorney or city attorney to obtain a cease and desist order in any court with jurisdiction.

(d) The board of appeals may retract the stop-work order issued under subparagraph (1) or the permit revocation under subparagraph (2).

1. After posting a stop-work order under subparagraph (1), the director may issue a formal "notice" to the responsible party of the city's intent to perform work necessary to comply with

this chapter. The director may enter the property and commence the work after issuing the notice. The costs of the work performed under this subsection by the director, plus interest at the rate authorized by either the board of appeals and/or council shall be billed to the responsible party. In the event a responsible party fails to pay the amount due, the clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Ch. 66, subchapter VII, Wis. Stats.

(e) Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunction proceedings.

(2) *Section 33.300 activity:*

(a) General.

1. Any land disturbing construction activity or post-construction runoff initiated after the effective date of this chapter by any person, firm, association, or corporation subject to the ordinance provisions shall be deemed a violation unless conducted in accordance with the requirements of this chapter.

2. The director shall notify the responsible party by certified mail of any noncomplying land disturbing construction activity or post-construction runoff. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action which may be taken.

3. Upon receipt of written notification from the director under subparagraph (a)2, the responsible party shall correct work that does not comply with the stormwater management plan or other provisions of this permit. The responsible party shall make corrections as necessary to meet the specifications and schedule set forth by the director in the notice.

4. If the violations to a permit issued pursuant to this ordinance are likely to result in damage to properties, public facilities, or waters of the state, the director may enter the land and take emergency actions necessary to prevent such damage. The costs incurred by the board plus interest and legal costs shall be billed to the responsible party.

5. The director is authorized to post a stop work order on all land disturbing construction activity that is in violation of this chapter, or to request the city attorney to obtain a cease and desist order in any court with jurisdiction.

6. The director may revoke a permit issued under this chapter for noncompliance with ordinance provisions.

a. Any permit revocation, stop work order, or cease and desist order shall remain in effect unless retracted by the director or by a court with jurisdiction.

7. The director is authorized to refer any violation of this chapter, or of a stop work order or cease and desist order issued pursuant to this chapter, to the city attorney for the commencement of further legal proceedings in any court with jurisdiction.

8. Compliance with the provisions of this chapter may also be enforced by injunction in any court with jurisdiction. It shall not be necessary to prosecute for forfeiture or a cease and desist order before resorting to injunction proceedings.

9. When the director determines that the holder of a permit issued pursuant to this chapter has failed to follow practices set forth in the stormwater management plan, or has failed to comply with schedules set forth in said storm water management plan, the director or a party designated by the director may enter upon the land and perform the work or other operations necessary to bring the condition of said lands into conformance with requirements of the approved plan. The director shall keep a detailed accounting of the costs and expenses of performing this work.

These costs and expenses shall be deducted from any financial security posted pursuant to section 33.112 of this chapter. Where such a security has not been established, or where such a security is insufficient to cover these costs, the costs and expenses shall be entered on the tax roll as a special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

(3) *Penalties.* Any person, firm, association, or corporation who does not comply with the provisions of this chapter shall be subject to a per offense forfeiture of not less than, nor more the values identified in the city fee schedule and the costs of prosecution for each violation. Each day that the violation exists shall constitute a separate offense.

(Ord. No. 1162-0306, § 1, 3-21-06)

33.114. Appeals.

(1) *Who may appeal.* Appeals to the board of appeals may be taken by any aggrieved person or by any office, department, board, or bureau of city affected by any decision of the director.

(2) *Procedures* The board of appeals (created pursuant to City Code section 1.10):

(a) Shall hear and decide appeals where it is alleged that there is error in any order, decision or determination made by the director in administering this chapter except for stop work orders obtained under section 33.113. The board of appeals shall also use the rules, procedures, duties, and powers authorized by statute in hearing and deciding appeals.

(b) Upon appeal, may authorize variances from the provisions of this chapter that are not contrary to the public interest and where owing to special conditions a literal enforcement of the provisions of the ordinance would be unreasonable; and

(c) Shall use the rules, procedures, duties and powers authorized by statute in hearing and deciding appeals and authorizing variances.

(d) The decision of the board of appeals is final. Appeals of the board of appeals' decision shall be taken to circuit court within 30 days of the filing of the decision in the city clerk's office.

(Ord. No. 1162-0306, § 1, 3-21-06)

33.115 Effective date.

This chapter shall take effect upon its passage and publication as provided by law.

(Ord. No. 1162-0306, § 1, 3-21-06)

APPENDIX D

POLICY ADVISORY COMMITTEE BYLAWS

Sewer Service Area Plan POLICY ADVISORY COMMITTEE BYLAWS

STURGEON BAY UTILITIES
DOOR COUNTY, WISCONSIN

Article I - Name

Section 1. The name of this Committee shall be the Sewer Service Area Plan Policy Advisory Committee and, hereinafter, shall be referred to as the Advisory Committee.

Article II - Purpose & Goals

Section 1. In accordance with the Wisconsin Administrative Code, Section NR 121.05(1)(g)4.b., the purpose of the Advisory Committee shall be to assist the Wisconsin Department Of Natural Resources (DNR) in the development of the municipal point source element of the State's Area-Wide Water Quality Management Plan, and to act in an advisory role to the Department in matters concerning the implementation of the Plan. The Advisory Committee recognizes the responsibilities and concern for water quality problems, and seeks to recommend solutions to these problems.

Section 2. The Advisory Committee members shall also serve as a two-way communication vehicle with the public and Town Officials of the surrounding towns.

Section 3. The objective of the Advisory Committee will be to develop a Sewer Service Area Plan (SSAP), which will seek to assure that State and Federally-mandated water quality goals concerning the waters of the State in the Sturgeon Bay area will be achieved and maintained, and to act as a continuing advisory body to the Wisconsin DNR.

Article III - Composition Of The Advisory Committee

Section 1. COMPOSITION - The Sturgeon Bay Utility Commission shall serve as the Advisory Committee.

Section 2. MEMBERSHIP - The Utility Commission shall consist of the Mayor, two alderpersons to be elected by the Council, and four citizens who are also to be elected by the Council.

Section 3. TERM OF APPOINTMENT AND REPLACEMENT - The alderpersons and citizen members shall be elected for terms of 5-years each, beginning on October 1; provided that the term of the first Commissioner shall expire successively for each year on the succeeding first day of October, and provided the terms of alderpersons and Mayor shall automatically expire upon their ceasing to be members of the Council.

Article IV - Management

Section 1. AUTHORITY - The government and management of the Advisory Committee is vested in the voting membership of the Committee. The Committee may assign its administrative responsibilities to the staff in accordance with Article IX, Section 2.

Section 2. GUIDANCE - The officers, members and staff of the Advisory Committee shall be guided and bound in the performance of their functions by the regulations and guidelines of relevant Federal legislation; by the regulations and guidelines promulgated by Federal agencies; by the laws enacted by the State participating herein, and by regulations and guidelines promulgated by agencies thereof. Goals and objectives, comprehensive plans, and similar guidelines and documents prepared and adopted by the appropriate agencies shall be recognized and considered by the Advisory Committee and its staff wherever appropriate.

Section 3. QUORUM - For the purpose of holding a duly called meeting, a simple majority of the Advisory Committee shall constitute a quorum.

Article V - Officers

Section 1. NUMBER - The officers of the Advisory Committee shall be the Utility Commission President, Vice President and Secretary.

Section 2. OFFICER DUTIES - The President shall preside at the meetings of the Advisory Committee and shall call special meetings, as needed. The Vice President shall preside at meetings when the President is not available. The Secretary shall review the meeting minutes and notices prior to distribution.

Section 3. UTILITIES STAFF - A staff member of the Sturgeon Bay Utilities shall be responsible for meeting notices, information on meetings, and the preparation of meeting minutes; distribution of correspondence to the committee members, consulting firm(s), and other appropriate agencies and bodies; maintain accurate files of study related documents; and such other duties as required for completion of the project.

Article VI - Subcommittees

Section 1. The President may appoint such subcommittees, made up of Advisory Committee members, only as may be necessary to carry out the purposes of the Advisory Committee, and shall designate the Chairperson of the subcommittee(s).

Section 2. To add technical expertise to Advisory Committee decision, Committee members may ask community officials to attend meetings. These officials may include, but are not limited to: directors of municipal services, engineers, attorneys, planning staff, etc.

Section 3. Appropriate adjacent Town Officials will be invited to attending meetings and participate in the review process.

Section 4. No subcommittee shall have the authority to act on behalf of the Advisory Committee.

Article VII - Meetings

Section 1. The Advisory Committee should meet once every month, during a scheduled Utility Commission Meeting, but shall meet at least annually. Special meetings may be called by the President or by three Committee members at more frequent intervals.

Section 2. The recording Secretary of the Advisory Committee shall mail or deliver written notice of each regular meeting to each member of the Committee. Regular Commission meetings are scheduled on the first Monday following the first Tuesday of each month.

Section 3. Advisory Committee meetings shall be conducted in accordance with Robert's Rule of Order.

Section 4. Advisory Committee meetings shall be open to the public.

Article VIII - Duties

Section 1. To oversee and guide the development of the SSAP element of the State of Wisconsin's Area-Wide Water Quality Management Plan for the Sturgeon Bay area, in accordance with Wisconsin Administrative Code Section NR 121.05.

Section 2. To direct a public participation and information program within the Sturgeon Bay area, consistent with Wisconsin Administrative Code, Section NR 121.08(1)(a).

Section 3. To establish institutional mechanisms and procedures to assure prompt review and consideration of wastewater treatment proposals and sewer service extensions within the Sturgeon Bay area.

Section 4. To establish procedures for plan amendments and updates consistent with Wisconsin Administrative Code, Section NR 121.08.

Article IX - General

Section 1. The Advisory Committee may cooperate with, and contribute or accept services from, Federal, State or local agencies, public or semi-public agencies, private individuals or corporations, and may carry out such cooperative undertaking.

Section 2. The staff of the Sturgeon Bay Utilities shall be designated as the official planning body for the Advisory Committee.

Article X - Amendments

Section 1. A two-thirds majority vote of all members shall be required to amend these Bylaws.

Section 2. Proposed amendments to these Bylaws shall be mailed to the members at least 10-days prior to the meetings scheduled for proposed amending of these Bylaws.

Article XI - Compliance With Wisconsin Law

Section 1. INCONSISTENCIES - In the event that these Bylaws, or any provisions herein contained, should in any manner be contrary to or violate the provisions of the Wisconsin Law, the provisions of the Wisconsin Law shall prevail.

APPENDIX E

PRESS RELEASE

PRESS RELEASE

Sewer Service Area Plan STURGEON BAY UTILITIES DOOR COUNTY, WISCONSIN

In an effort to guide the future operation of the Sturgeon Bay Utilities' wastewater system, the Sewer Service Area Plan (SSAP) is being updated. The SSAP will serve as a guide for the management of the municipal wastewater system in a cost effective and environmentally sound manner. Future system extensions must conform with the SSAP. The following issues will be addressed in the Plan:

- Project future needs for sewer service, and establish the geographic extent of the sewer service area for the year 2030.
- Identify sensitive environmental areas as environmental corridors, which will be protected from development.
- Provide a basis for community officials to direct growth and protect environmental, social and economic concerns.

The Wisconsin Department Of Natural Resources (DNR) is responsible for the development and approval of the SSAP. The Sturgeon Bay Utility Commission has retained McMAHON to prepare the Plan.

The first step in the development of the SSAP is to determine a reasonable service area for the wastewater system. Environmentally sensitive areas within the service area have been identified. These areas are to be protected from development. The following features are included: wetlands, floodplains, shore lands, streams, and steep slopes (greater than 12%). Proposals for development in areas that have been identified as environmentally sensitive areas would be carefully examined by community officials before sewer service extensions are approved. Additional approvals may also be required for development in those areas.

A primary element of the SSAP process is that future sanitary service plans conform to the SSAP. The Commission will oversee the implementation of the Plan, and will review applications for sewer extensions with regard to conformance with the SSAP. The Plan includes detailed implementation and institutional procedures that will be used by the Commission. A formal process for amending the Plan has also been developed.

The Sturgeon Bay Utility Commission will hold a Public Hearing on _____, 2010, at 7:00 p.m., at the Utility Office, located at 230 East Vine Street, Sturgeon Bay, Wisconsin, to present the Plan to the public and to obtain public comment. Copies of the Plan are available for review at the Utility Office and City Hall.

For additional information, contact Cliff White, Operations Manager, Sturgeon Bay Utilities, Telephone: 920-746-2820; or Amy Vaclavik, Associate, McMAHON, Telephone: 920-751-4200.

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APPENDIX F

PUBLIC HEARING MEETING MINUTES

STURGEON BAY UTILITIES
Regular Meeting
March 7th, 2011

President Stewart Fett called the regular meeting of the Utilities Commission to order at 5:34 p.m. at the Sturgeon Bay Utilities office. Roll call: President Stewart Fett, Vice-President Bernard Ellenbecker, Secretary Stephen Mann, Mayor Thad Birmingham, Commissioners Matt Felhofer, Gary DeNamur and James Abeyta were present. Also present were General Manager James Stawicki, Operations Manager Cliff White and Electric Supervisor Jason Bieri.

Mann/Ellenbecker to adopt the agenda as presented (complete copy on file at the Utility office). Motion carried.

DeNamur/Abeyta to approve the minutes of the regular meeting held on February 7th, 2011. Motion carried.

Next was a public hearing regarding the Sewer Service Area Plan (SSAP). President Fett declared the public hearing open at 5:35 p.m. and the floor was open to the public for comments. It was stated that there were no correspondence received regarding the public hearing and no one wished to speak for or against the SSAP. President Fett closed the public hearing at 5:37 p.m.

Next was consideration of the Sewer Service Area Plan (SSAP). Abeyta/Ellenbecker approve the implementation of the SSAP. All voted eye, except for Mann who abstained. Motion carried.

Melissa Moren presented the Commission with SBU's energy services action plan for 2011. Ms. Moren updated the Commissioners with information pertaining to CTC programs and expenditure plans, provided a summary of funds to be carried forward from prior years' programs and the plans for disbursement of those funds.

The Commission proceeded to review the bills for February in the amount of \$1,648,138.68. Fett/Abeyta to approve payment of the bills. Motion carried.

A memo from General Manager Stawicki regarding the proposed write-offs was presented for consideration. Mann/DeNamur to approve the write-offs in the amount of \$15,645.79. Motion carried.

The January 2011 financials were presented. Felhofer/Abeyta to accept the financials subject to audit. Motion carried.

General Manager Stawicki reported on the current investments and their allocations. No formal action was taken.

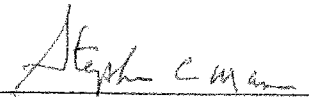
Abeyta/DeNamur to accept the Operations Report for February. Motion carried.

The next item of business was the General Manager's report.

- a. Adjustments for the month
- b. Update on projects
 - 1. Events in Madison
 - 2. Audit
 - 3. Electric rate case

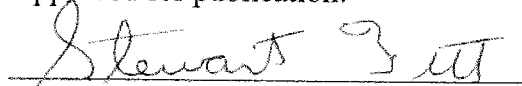
Unfinished business list was updated and reviewed. No formal action was taken.

Abeyta/Felhofer to adjourn. Motion carried. The meeting adjourned at 7:22 p.m.



Stephen C. Mann
Secretary

Approved for publication:



Stewart Fett
President



James Stawicki
General Manager

Date: 5-9-11

Date: 5-6-11

**STURGEON BAY UTILITIES
PUBLIC HEARING
MONDAY, MARCH 7, 2011**

The Sturgeon Bay Utilities Commission will hold a public hearing at Sturgeon Bay Utilities, 230 E Vine Street, Sturgeon Bay, Door County, Wisconsin on Monday, March 7th 2011 at 5:30 p.m. or shortly thereafter, regarding discussion of implementation of the Sewer Service Area Plan. Notice is hereby given, pursuant to Section 19.84(1)(b), Wis. Statutes, and Section 111.70, Wis. Statutes. The public is invited to attend the hearing and give testimony in favor or against the proposed plan.

Notice is hereby given that a majority of the Sturgeon Bay Utility Commission may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Utility Commission does attend, this may constitute a meeting of the Utility Commission and is noticed as such, although the Utility Commission will not take any formal action at this meeting.

Posted:
Date: _____
Time: _____
By: _____



230 E. Vine Street
P.O. Box 27
Sturgeon Bay, WI 54235-0027

Phone: 920.746.2820
Fax: 920.746.2822
sbunet.com

Office Hours:
Monday-Friday
7:30am-4:30pm

Shared strength through WPPI Energy

Sturgeon Bay Utilities
Regular Meeting
230 E Vine Street, Sturgeon Bay WI 54235
****5:30 P.M.**, Monday, March 7, 2011**

- (1) Roll call.
- (2) Adopt agenda.
- (3) Approve the minutes of the regular Commission meeting held February 7, 2011.
- (4) Public Hearing regarding Sewer Service Area Plan. (see attached)
- (5) Consideration of Sewer Service Area Plan.
- (6) Presentation by Melissa Moren regarding energy services action plan for 2011.
- (7) Examine bills and approve. (Please review before meeting and call Jim or Laurie with questions)
- (8) Consideration of accounts receivable write-offs.
- (9) Examine financials and cash projections and approve:
 - a. Financials
 - b. Graphs (sent via electronic mail)
 - c. Cash Projections
- (10) Discussion of investments.
- (11) Operations report.
- (12) General Manager report:
 - a. Adjustments for the month
 - b. Update on projects
 1. Events in Madison
 2. Audit
- (13) Review of unfinished business.
- (14) Adjourn.

Information MEUW – Live Lines
Other

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR