CITY OF
EAGLE RIVER
Wisconsin

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AGENDA NOTICE *(10/29/2026)*

THE PLANNING COMMISSION OF THE CITY OF EAGLE RIVER WILL HOLD A MEETING ON THURSDAY, NOVEMBER 5, 2026, AT 5:00 P.M. AT CITY HALL, 525 E. MAPLE STREET IN EAGLE RIVER.

Notice is hereby given *that a majority of the City Council of the City of Eagle River may be attending scheduled Planning Commission meetings either in person or via zoom. This constitutes a meeting of the City Council pursuant to State ex rel. Badke v. Greendale Village Bd., 173 Wis. 2d 553, 494 N.W.2d 409 (1993), and must be noticed as such, although the Council will not take any formal action at these meetings.*

This meeting will be available by Zoom at the following link:
https://us06web.zoom.us/j/85111695208?pwd=x5pMv8crrbsPuYwefObTYbJG0m83b3.1
Meeting ID: 851 1169 5208
Passcode: 963936

1) Call to Order.
2) Roll Call.
3) Approval of minutes, Sept 17, Oct 1, and Oct 22
4) Discussion and possible action on the following agenda item(s):
   a) Discussion Only: Rezoning of 1100 N Railroad Street, Veterans Resource Center, petitioner. Motion by Washelesky, 2nd by Grosskopf to return the proposal to the Planning Commission to clarify the definition of "Educational and Institutional" uses in existing Highway Commercial zoning code. Carried on a roll call vote, all. Public hearing to be scheduled according to state statute at a future meeting.
   b) Discussion Only: Discussion, review and possible amendment of proposed changes to DRAFT § 106-273 of the Zoning Ordinance regarding stormwater management and drainage impacts from new construction. Public hearing to be scheduled according to state statute at a future meeting.
5) Adjournment.

Robin Ginner, City Administrator

Please note that, upon reasonable notice, at least 24 hours in advance, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services or provide a video link for meetings. For additional information to request this service, please contact the City Clerk's Office at 715-479-8682 ext. 224, 525 E. Maple Street, P.O. Box 1269, Eagle River WI 54521.

September 17, 2026

A meeting of the Plan Commission of the City of Eagle River was called to order at 5:05pm by Mayor Deb Brown.

Roll Call**:** Alex Forer, Mary Horant, Adam Grassl, Kim Schaffer and Deb Brown. John Hletko arrived at 5:45PM. Also in attendance Becky Bolte. Absent: Robin Ginner and Brad Adamovich.

a) Comprehensive Plan update: Eric Sonnleitner was present for North Central Wisconsin Regional Planning Commission. Review of NCWRPC Chapters 5 - Transportation, Chapter 6 – Economic Development, including Data Centers discussion, and Chapter 8, Intergovernmental Cooperation. Sonnleitner gave summaries of each chapter presented. Discussion.

b) Scheduling of recurring Comprehensive Plan Special Meetings. The next meeting for the Planning Commission Comprehensive Plan review and update was scheduled for October 22, 2026 at 5:00pm at Eagle River City Hall.

Motion by Horant, 2nd by Grassl to adjourn at 6:20PM. Carried, all.

Becky J Bolte - Clerk

DRAFT

October 1, 2026

A meeting of the Plan Commission of the City of Eagle River was called to order at 5:00pm by Mayor Deb Brown.

Roll Call**:** Kim Schaffer, Adam Grassl and Deb Brown. Brad Adamovich and Alex Forer present via Zoom. Also in attendance Robin Ginner and Becky Bolte. Quorum established. Absent: Mary Horant and John Hletko

Motion by Grassl, 2nd by Schaffer to approve the minutes of the 9-3-2026 meeting. Carried, all.

a) Public Hearing: Request to rezone and the subsequent change to the Comprehensive Plan of the City of Eagle River, for 1100 N. Railroad from Highway Commercial to Parks/Recreation zoning classification. Effective 9/30/26, the property is owned by the Veterans Resource Center of Eagle River, Wisconsin. This property is described as: NW-NW,Sect. 28, T40N,R10E, PRT NW NW, City of Eagle River, Vilas County, Wisconsin. Computer number 221-1019-06. COMPLETE LEGAL IN TAX ROLL. Geiseman provided a plan for the property that was provided to those in attendance. Denny Geiseman was present as petitioner representative for the Veterans Resource Center. Mayor Brown opened the Public Hearing at 5:01PM. Dave Audy, on behalf of Tribute Brewery, was in attendance and spoke in favor of the rezone and plans for a Veterans Memorial Park. Jay Stock of Tribute Brewery provided a letter in support of the rezone and plans. No other comments were received. Denny Geiseman stating VRC is hoping to break ground on the proposed Veterans Memorial Park in the spring of 2027. The public hearing was closed at 5:08PM. Grassl spoke to concerns that the parcel was purchased with Highway Commercial zoning and there was no guarantee of approval of zoning change request. Geiseman responded with he was hopeful it would be rezoned to allow the long time vacant property to bring beautification to the area and promote veteran and community engagement and allow for community and veteran events. Concerns discussed on taxable parcel moving to tax exempt and what is in the best interest of the taxpayers. Discussion on uses by right in Highway Commercial zoning designation and if proposed plan would qualify under Educational and Institutional use by right. Discussion. Ginner to present to City Attorney to verify if plan would fall into use by right in the current Highway Commercial zoning district. *Motion by Schaffer, 2nd by Grassl to deny the request to rezone and subsequent change to the Comprehensive Plan for 1100 N Railroad from Highway Commercial to Parks/Recreation zoning classification. Carried on a roll call vote, all.*

b) Discussion Only: Discussion, review and possible amendment of proposed changes to DRAFT § 106-273 of the Zoning Ordinance regarding stormwater management and drainage impacts from new construction. Public hearing to be scheduled according to state statute at a future meeting. Ginner presented a draft ordinance based on template received from North Central WI Regional Planning Commission. Commissioners requested the draft be truncated with simpler alternatives by Ginner and brought back for discussion. *Motion by Grassl, 2nd by Schaffer to postpone until next regular Planning Commission meeting. Carried, all.*

Motion by Forer, 2nd by Schaffer to adjourn at 5:41PM. Carried, all.

DRAFT

October 22, 2026

A meeting of the Plan Commission of the City of Eagle River was called to order at 5:00pm by Mayor Deb Brown.

Roll Call**:** Alex Forer, Mary Horant, Adam Grassl, Kim Schaffer and Deb Brown. Also in attendance Robin Ginner and Becky Bolte. Absent: Brad Adamovich and John Hletko

a) Comprehensive Plan update: Eric Sonnleitner was present for North Central Wisconsin Regional Planning Commission. Sonnleitner reminded all that the Chapter tonight was about future land use not changing current zoning designations. Review of NCWRPC presented Chapters 7 - Land Use, Map 6 - Existing Land Use, and Map 7 - Future Land Use. Sonnleitner gave explanation of presented Chapter 7 – Land Use. Discussion on land use conflicts. Wind farms, solar development, and developments that use of high quantities of water to be added into the land use conflicts within Chapter 7. Sonnleitner presented Map 6 – Existing Land Use Map for Commission updates. Commissioners identified multiple areas that needed updating. Map 7 – Future Land Use was presented. Distinctions between categories were discussed. Categories to be used: Mixed Neighborhood, Single Family, Highway Commercial, Downtown Commercial, Government and Industrial. The map was reviewed and areas were marked into the established categories for future use purposes. Sonnleitner to update the changes to the presented draft maps and bring back to the Commission.

b) Scheduling of recurring Comprehensive Plan Special Meetings. The next meeting for the Planning Commission Comprehensive Plan review and update was scheduled for January 21, 2027 at 5:00pm at Eagle River City Hall.

Motion by Horant, 2nd by Schaffer to adjourn at 7:44PM. Carried, all.

Becky J Bolte - Clerk

DRAFT

Institutional and Educational Uses in Municipal Zoning
Discussion Handout for Deliberation

Purpose

To provide a general framework for interpreting the term *"Educational and Institutional Uses—Privately Owned"* as it appears in Section 106-472(17) of the City of Eagle River Zoning Ordinance, which identifies these uses as permitted in the Highway Commercial District.

1. Traditional Definition

In municipal zoning, *institutional and educational uses* generally refer to land or buildings used to provide educational, civic, cultural, medical, governmental, social-service, or other community-serving functions.

Examples commonly associated with this category include:

- Public or private schools, colleges, and educational centers
- Libraries, museums, and cultural facilities
- Hospitals and medical facilities
- Government buildings and public-service facilities
- Community centers and similar institutional facilities

The precise scope of the term varies by municipality and depends on the language and intent of the applicable zoning ordinance.

2. Public Versus Private Ownership

The phrase *"privately owned"* indicates that ownership by a governmental entity is not necessarily required for a use to qualify under this category.

However, private ownership alone does not establish that a property qualifies as an institutional or educational use. The nature of the activity conducted on the property, the purpose of the facility, and the intent of the zoning ordinance remain relevant considerations.

Similarly, nonprofit status or a community-oriented mission does not automatically establish that a use qualifies as an institutional or educational use.

3. Considerations for Ordinance Interpretation

When evaluating whether a proposed use qualifies under Section 106-472(17), the Planning Commission may wish to consider the following:

- **Primary purpose:** Is the property primarily used for education, institutional services, cultural activities, or another recognized institutional function?
- **Nature of the activity:** Does the actual activity align with the ordinary meaning of an educational or institutional use?
- **Ordinance consistency:** Is the proposed interpretation consistent with the language, structure, and intent of the City's zoning ordinance?

- **Consistency of application:** Would the same interpretation reasonably apply to similarly situated properties and proposed uses?
- **Clarity of permitted uses:** Does the existing language provide sufficient guidance to property owners, City staff, and decision-makers?

4. Related Zoning Definition

Section 106-1 of the City of Eagle River Zoning Ordinance defines a *park* as:

"Any public or private land available for recreational, educational or cultural use."

This definition expressly recognizes that parks may be publicly or privately owned. However, a definition identifying what constitutes a park does not necessarily establish that every park or recreational use qualifies under a separate permitted-use category. Each provision must be considered within the context of the ordinance as a whole.

5. Issue for Planning Commission Deliberation

Does the existing language in Section 106-472(17) adequately identify the types of privately owned uses intended to be permitted in the Highway Commercial District, or would clarification be beneficial to ensure consistent interpretation and application?

The Commission may consider whether the existing language is sufficiently clear or whether specific uses should be expressly identified in the ordinance to minimize ambiguity in future applications.

DIVISION 7. HIGHWAY COMMERCIAL DISTRICT[1]

Sec. 106-471. Intent.

The highway commercial district is intended to accommodate those motorist-oriented commercial activities which may be incompatible with uses in the downtown commercial district and whose services are community- or region-wide. Limited Residential is allowed.

(Code 1972, § 17.33(1); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-472. Uses permitted by right.

Uses permitted by right in the highway commercial district are as follows:

(1) Permitted uses by right in the downtown commercial district.

(2) Entertainment establishments, not including active participation by the public utilizing the facilities.

(3) Animal hospital or kennel services, providing all kennels are within completely enclosed buildings.

(4) Automobile rental.

(5) Automobile repair, but not body shops.

(6) Automobile and equipment sales, new and used.

(7) Boat storage, sales and repair.

(8) Hotels.

(9) Greenhouses with retail sales on premises.

(10) Lumberyards.

(11) Machinery, vehicle and equipment sales and repair.

(12) Monument and cemetery accessories.

(13) Motels.

(14) Recreational vehicle sales.

(15) Trailer sales and repair.

(16) Medical and dental clinics.

(17) Educational and Institutional uses—Privately owned.

(18) Group care and family care facilities, nursery schools—Privately owned.

[1]Cross reference(s)—Businesses, Ch. 22.

(Code 1972, § 17.33(2); Ord. No. 341, § 2, 3-11-1998; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-473. Uses permitted by conditional grant.

Uses permitted by conditional grant in the highway commercial district are as follows:

(1) Drive-in establishments:

a. Restaurants.

b. Banks and financial institutions.

c. Car washes.

(2) Body shops.

(3) Welding shops.

(4) Commercial structures designed for more than one occupant, such as strip malls and mini-malls.

(5) Entertainment establishments involving the active participation of the public utilizing the facilities.

(6) Gasoline service stations and convenience centers.

(7) Parking lot.

(8) Storage buildings not used for habitation—human or animals.

(9) External waste oil recovery systems.

(10) One single shipping container, painted a single color all advertising removed, subject to existing accessory structure set-backs.

(11) Laundromats and dry cleaners.

(Code 1972, § 17.33(3); Ord. No. 352, § 3, 1-12-1999; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021; Ord. No. 571, 4-13-2021; Ord. No. 594, § 3, 6-10-2025)

Sec. 106-474. Site requirements.

For site requirements in the highway commercial district, see section 106-561.

(Code 1972, § 17.33(4); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Secs. 106-475—106-500. Reserved.

Stormwater Ordinance: Questions for the Planning Commission

Oct 1, 2026 · @Alex

These are the decisions the Commission should settle before City Staff redrafts DRAFT § 106-273. Answering them in order gives the drafter a clear policy to write to, instead of trimming a template.

Where we start today: § 106-267 caps impervious surface at 65% in residential and OR districts, 80% in other commercial and industrial districts, and 100% in Downtown Commercial. The current § 106-273 is one sentence banning runoff that damages adjacent properties. The city has no stormwater ordinance and no local subdivision ordinance.

The 2017 Storm Water Management Plan: The city's 2017 Comprehensive Plan (Ordinance 548, updated January 10, 2017) lists a "Storm Water Management Plan for the community to manage and control storm water runoff issues for Eagle River's neighborhoods and environment (completed/updated January 2017)." It was one of five infrastructure plans updated that month, alongside sewer, streets, water and electric. The same Comprehensive Plan says, "The City has Erosion control ordinance. Currently no Stormwater Control Ordinances exists." So the 2017 plan is a planning document, not a regulation. It is not posted on the city website. MSA, the city's engineer, is the likely author. (2017 Comprehensive Plan, §§ 2.7 and 4.1)

Current impervious surface caps (§ 106-267)

The ratio is total impervious area divided by gross lot area. Existing impervious surfaces may be maintained, replaced and improved. The Council may exempt city parking lots, and handicapped ramps are exempt.

District	Max impervious surface	Note
Single-Family (R-1)	65%	"Residential districts"
Single- & Two-Family (R-2)	65%	Same
Multiple-Family	65%	Same

District	Max impervious surface	Note
Office/Residence (OR)	65%	Named expressly
Highway Commercial	80%	"Other commercial or industrial districts"
Industrial	80%	Same
Downtown Commercial	100%	Named expressly
Park & Recreation	None stated	Gap
Government Use	None fixed	§ 106-545(a): set case by case in site plan review
PUD	None stated	§ 106-533(5): no quantitative standard
Wireless Communications	None stated	Gap

What counts: § 106-1 says gravel driveways and parking areas count. § 106-267(a) lists buildings, roads, sidewalks, patios, parking areas and concrete or asphalt. Decks, pavers and permeable pavement are not mentioned. § 106-1 lists walkways and swimming pools as open space, which conflicts with sidewalks counting as impervious.

Source: Chapter 106 Zoning, Supp. 21 (2021). Verify against the current Municode version (Supp. 26) before relying on it.

Documents to request from staff

These would let the Commission answer many of the questions below with facts rather than guesses.

- [ ] **2017 Storm Water Management Plan**, plus any updates. Who prepared it, and which recommended projects are done? **RCG - I'm not finding any document with a 2017 storm water management plan. This does not appear to exist as a stand-alone document.**
- [ ] **Erosion control ordinance.** The 2017 Comprehensive Plan says one exists. It is likely in Chapter 18. **RCG - Attached, Se3ctions 18-61 through 18-69.**
- [ ] **Chapter 70**, the shoreland-wetland and floodplain provisions referenced in Chapter 106. **RCG - There is no Chapter 70 in our ordinances. See 106-276 attached.**
- [ ] **Current Municode text** of §§ 106-1, 106-267 and 106-273 (Supp. 26), to confirm the 2021 version is still current. **RCG - Attached**

- [ ] **Drainage complaint log** for the past five years: addresses, dates, what happened, how it was resolved. **RCG - Requested from DPW, have not yet received the log.**
- [ ] **Storm sewer system map**, and the areas MSA or DPW consider undersized or problem spots. **RCG - See attached.**
- [ ] **MSA's written comments** on the draft, including expected review cost per permit.
- [ ] **List of post-1982 annexed shoreland parcels**, and how § 62.233 setbacks and buffers are applied today. **RCG - I would like our ordinance to be more explicit on the shoreland set-backs, etc. List of annexed shoreland parcels will be provided at the meeting.**
- [ ] **The North Central Wisconsin Regional Planning Commission template** used for the draft, and the 2026 Comprehensive Plan's stormwater language. **RCG - They did not draft the language**
- [ ] **City Attorney's review** of the draft. **RCG - See attached.**

1. What problem are we solving?

1. What specific complaints or incidents prompted this? Can staff list addresses, dates and what happened?
2. Are the problems mostly neighbor-to-neighbor runoff, public street and storm sewer capacity, or water quality in the river and lakes?
3. Are problems concentrated in certain areas, such as older 50-ft platted lots, Silver Lake Road, McFaul Lane, or downtown?
4. Did the existing 65% cap or one-sentence § 106-273 fail in those cases, or was it never enforced?
5. Can staff provide the 2017 Storm Water Management Plan to the Commission? What problem areas and recommended fixes does it identify, which have been completed since 2017, and should the ordinance implement the rest?
6. What does the 2026 Comprehensive Plan rewrite say about stormwater? Should this ordinance wait for it or feed into it?
7. In one sentence, what outcome would tell us the ordinance is working five years from now?

2. Scope: who and what does it apply to?

1. Should the city regulate only what state law already requires (NR 151 thresholds of 1+ acre disturbance, 3–5 acre developments), or go below those thresholds?
2. If we go below, what objective trigger do we use? Options: new impervious area over a set square footage, a percentage of the lot, a new principal building, or a zoning district.

3. Should one- and two-family homes and ordinary additions, garages, decks, patios and driveways be exempt? If yes, exempt from everything, or only from engineered plans?
4. Do we keep a catch-all like draft B.3(d), "development of any size reasonably likely" to cause harm? If yes, who decides, using what written criteria?
5. Should commercial and industrial projects be treated differently from residential? Should Downtown Commercial, at 100% coverage, be treated differently again?
6. Does it apply to redevelopment and replacement of existing hard surfaces, or only to new impervious area?
7. Does it apply to city projects, including streets, parking lots, and city-exempted lots under § 106-267(c)?

3. Impervious surface: definitions and caps

1. Is the current cap (65% / 80% / 100%) the right primary tool? Should we keep it as is, tighten it, or loosen it?
2. Should we merge the two conflicting definitions in § 106-1 and § 106-267(a) into one?
3. How should each of these count: decks (solid vs. slatted over grass or gravel), pavers, permeable pavement, gravel, pools, walkways, green roofs?
4. Should owners be allowed to exceed the cap if they install a rain garden, infiltration trench or other approved practice? If yes, up to what maximum?
5. What caps should apply to the districts that have none today: Park & Recreation, PUD, Government Use, and Wireless?
6. Should small lots, such as the 50-ft / 6,000 sq ft lots allowed under § 106-562, get a different standard?
7. What must a permit applicant show to prove compliance: a calculation on the site plan, a survey, or just the inspector's measurement?

4. Standards: what must a project actually do?

1. For projects below state thresholds, what is the minimum we require? Options, lightest to heaviest: drainage arrows on the permit plot plan, a simple grading plan, on-site infiltration of the first inch of rain, an engineered plan.
2. When is a professional engineer required, and who pays for city engineering review?

3. Should we adopt simple "pre-approved" practices (rain garden sizing table, gutter downspout rules, setback of discharge points from lot lines) so small projects don't need an engineer?
4. Where may roof and driveway water be discharged: street, own yard, neighbor's lot, storm sewer?
5. Should we require final grading to slope away from neighbors and buildings, with a minimum setback for berms or regrading at property lines?
6. Who maintains private stormwater practices long term? Do we require a recorded maintenance agreement, and only above what size?
7. Should we adopt the DNR technical standards by reference rather than writing our own?

5. Neighbor drainage disputes and corrective measures

1. Does the city want to be the referee of private neighbor drainage disputes, or leave them to civil law?
2. If the city does get involved, how do we define "adverse impact"? Does it need measurable harm, such as water entering a building, standing water for a set number of days, or erosion?
3. Does the duty to fix apply only to work done after the ordinance takes effect, or to any change ever made to a lot?
4. What is the process before an order to correct: written notice, site visit, time to cure, a hearing?
5. Who decides that an impact exists: the Zoning Administrator, the building inspector, the city engineer, or this Commission?
6. Who pays for the investigation and any engineering if the complaint turns out to be unfounded?
7. How do we protect lawful existing drainage patterns and natural flow from uphill lots, which the draft says owners need not eliminate?

6. Administration, appeals and enforcement

1. Is stormwater review folded into the existing zoning permit, or does it need its own permit? What fee, if any?

2. Who reviews: city staff, MSA (the city's engineer) on contract, or both? What review turnaround can we promise contractors?
3. Where does an applicant appeal a decision, and within how many days? The Board of Appeals?
4. Should the Zoning Administrator have authority to waive requirements in writing for minor projects? With what limits?
5. Do we want a definitions section added to § 106-273 (adverse impact, development, redevelopment, impervious surface, larger common plan)?
6. Is "each day a separate violation" appropriate for drainage problems that may take a season to fix? Should there be a cure period first?
7. Who inspects after construction, and is final grading checked before occupancy?

7. Shoreland and overlapping rules

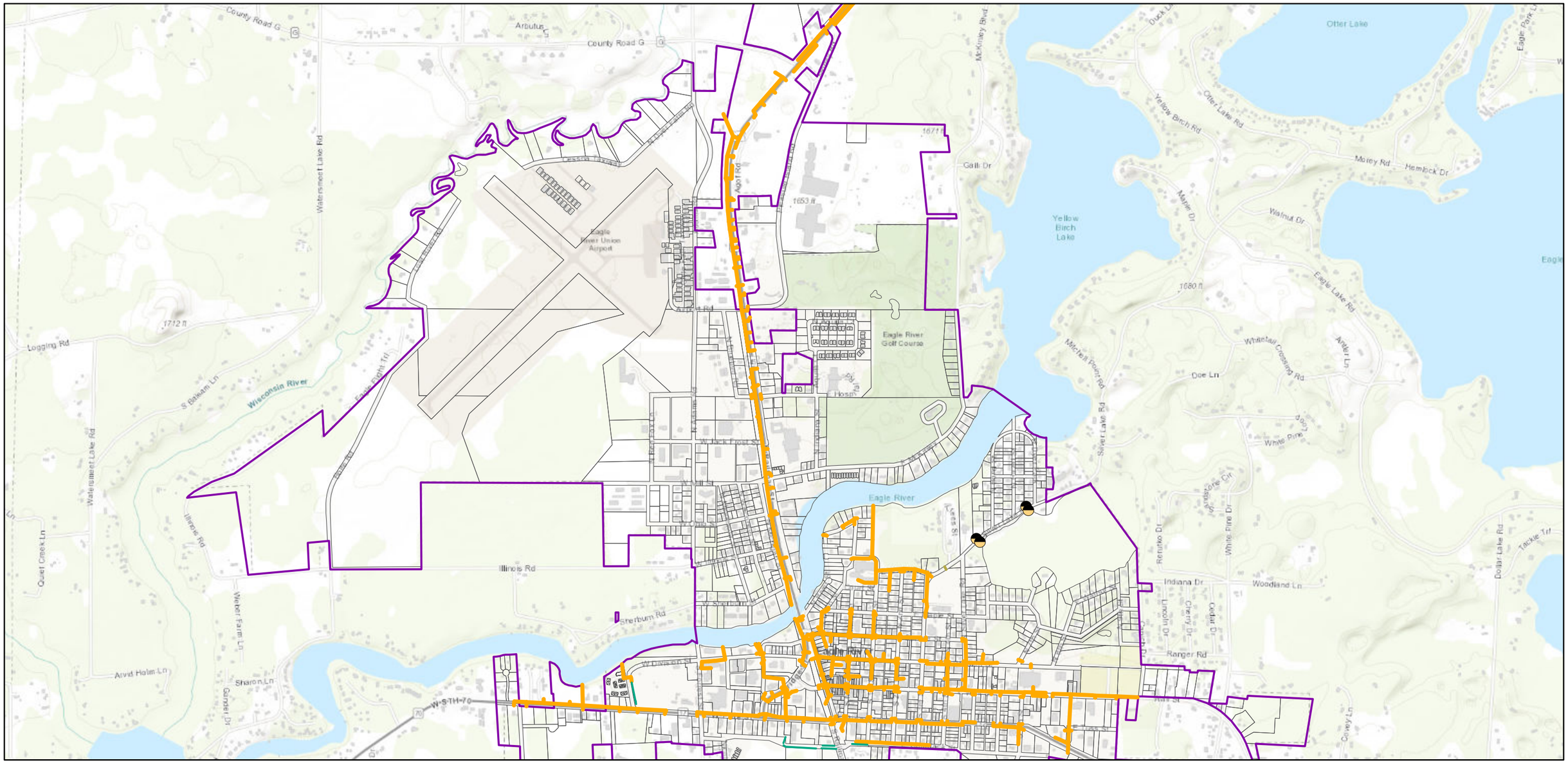
1. Should lots within 300 ft of the river, the Chain, Silver Lake and other navigable waters have a stricter standard than the citywide cap?
2. Can staff confirm in writing that Vilas County's 15% / 30% shoreland impervious standard does not apply anywhere in city limits, including lots annexed after 1982?
3. Which parcels in the city are post-1982 annexed shoreland subject to the § 62.233 setback and 35-ft buffer? Is that being enforced today?
4. What is in Chapter 70 (shoreland-wetland, floodplain) and Chapter 18 (erosion control), and how should § 106-273 fit with them?
5. Erosion control for 1- and 2-family homes is set by the state Uniform Dwelling Code. Does the draft duplicate or conflict with it?
6. Should the ordinance cite Wis. Stat. § 62.234, the city's stormwater zoning authority, alongside § 281.33?

8. Cost, capacity, legal review and next steps

1. How much staff time and engineering budget will this take each year? Does the city have it?
2. What would the new rules add to the cost of a typical addition, garage, or new home? Can staff price two or three real recent permits under the draft?
3. Should the city fix public drainage problems (street ditches, culverts, storm sewer) before asking private owners to do more? Is a stormwater utility fee on the table?

4. Has the City Attorney reviewed the draft for consistency with § 281.33 limits on local stormwater rules and for city liability in neighbor disputes?
5. Who should we hear from before the public hearing: local builders and excavators, MSA, Vilas County Land & Water, the DNR stormwater specialist, the NCWRPC?
6. Do we want a simpler first step now (definitions fix, cap cleanup, a drainage-plan requirement for commercial permits) and a fuller ordinance later?
7. What is our target date for the public hearing, and what draft must the Commission see before then?

ArcGIS Web Map of Stormwater Infrastructure



10/28/2026, 1:29:13 PM

1:25,453

0 0.2 0.4 0.8 mi

0 0.33 0.65 1.3 km

Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA

ARTICLE III. EROSION CONTROL[1]

Sec. 18-61. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the director of public works and such duly appointed agents as may be authorized by him.

Clearing means any activity that removes the vegetative ground cover.

Excavating means any digging, scooping or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

Grading means any excavating or filling of earth materials or any combination, including the land in its excavated or filled condition.

Land disturbing activities means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters, including but not limited to clearing, grading, excavating, transporting and filling of land; except that the term shall not include such minor land disturbing activities as home gardens and individual home landscaping, repairs and maintenance work; individual service connections and construction or installation of public utility lines; septic tank lines or drainage fields unless included in an overall plan for land disturbing activity relating to construction of the building to be served; preparation for single-family residences separately built unless in conjunction with multiple construction in subdivision developments; disturbed land areas for commercial or noncommercial uses less than 5,000 square feet in size; installation of fence and sign posts or telephone and electric poles and other kinds of posts and poles; or emergency work to protect life, limb or property.

Land disturbing permit means a permit issued by the council singularly or in any combination for clearing, filling, excavating, grading or transporting earth materials.

Transportation means any moving of earth materials from one place to another other than such movement incidental to grading, when such movement results in destroying the vegetative cover either by tracking or by the buildup of earth materials to the extent that erosion and sedimentation will result.

(Code 1972, § 13.16)

Cross reference(s)—Definitions generally, § 1-2.

[1]Cross reference(s)—Planning, ch. 66.

State law reference(s)—Authority regarding erosion control generally, Wis. Stats. § 62.234.

Sec. 18-62. Purpose.

The purpose of this article is to conserve the land, water and other natural resources of the city and promote the public health and welfare of the people by establishing requirements for the control of erosion and sedimentation and by establishing procedures whereby these requirements shall be administered and enforced.

(Code 1972, § 13.16(1))

Sec. 18-63. Administration.

The director of public works is delegated authority to administer this article.

(Code 1972, § 13.16)

Cross reference(s)—Administration, ch. 2.

Sec. 18-64. Erosion and sediment control program.

The plans and procedures governed by this article shall conform to all applicable erosion and sediment control regulations adopted by the city. Not less than five copies are filed and available in the office of the clerk and may be viewed during office hours.

(Code 1972, § 13.16(4))

Sec. 18-65. Regulated land disturbing activities.

(a) No person shall engage in any land disturbing activity until he has submitted to the department of public works an erosion and sediment control plan for such land disturbing activity and until that plan has been reviewed and approved.

(b) Any person who owns, occupies or operates private agricultural or forest lands shall not be deemed to be in violation of this article for land disturbing activities which result from the normal functioning of these lands.

(c) Any state agency that undertakes a project involving a land disturbing activity shall be exempt from this article.

(d) Whenever a land disturbing activity is proposed to be conducted by a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of the required erosion and sediment control plan shall be the responsibility of the owner of the land.

(Code 1972, § 13.16(5))

Sec. 18-66. Action on erosion and sediment control plans.

(a) The department of public works shall approve any erosion and sediment control plan submitted to it within 15 days if it determines that the plan meets the conservation standards of the local control program and if the person responsible for carrying out the plan certifies that he will properly perform the measures included in the plan and will comply with the provisions of this article. If no action is taken within this time, the plan is deemed to be approved.

(b) The approved plan may be changed in the following cases:

(1) When inspection has revealed the inadequacy of the plan to accomplish the erosion and sediment control objectives of the plan, and appropriate modifications to correct the deficiencies are agreed to by both parties.

(2) Where the person responsible for carrying out the approved plan finds that because of a change in circumstances the approved plan cannot be carried out effectively and the proposed amendments to the plan are agreed to by both parties.

(Code 1972, § 13.16(6))

Sec. 18-67. Issuance of land disturbing permit.

(a) Except as provided in this article, no person shall engage in any land disturbing activity until he has acquired a land disturbing permit from the department of public works.

(b) The department of public works shall not issue any land disturbing permit for activities which involve land disturbing activities unless the applicant submits with the application the approved erosion and sediment control plan and certification that such plan will be followed.

(c) The department of public works may require from any applicant, prior to the issuance of a land disturbing permit, a reasonable performance bond, cash escrow or other such legal arrangements as is acceptable to the department of public works, to ensure that emergency measures could be taken by the city at the applicant's expense should he fail within the time specified to initiate appropriate conservation action which may be required of him. Within 60 days of the completion of the land disturbing activity, such bond, cash escrow or other legal arrangement, or the unexpended portion, shall be refunded to the applicant or terminated, as the case may be.

(Code 1972, § 13.16(7))

Sec. 18-68. Monitoring, reports, and inspection.

(a) The department of public works shall periodically inspect the land disturbing activities to ensure compliance with the approved plan, and to determine that the measures required in that plan are effective in controlling erosion. The right of entry to conduct such inspections shall be expressly reserved in the permit.

(b) If the department of public works determines that the permit holder has failed to comply with the plan, the director of public works shall immediately serve upon the permit holder, by registered or certified mail, a notice to comply. Such notice shall set forth specifically the measures needed to comply and shall specify the time within which such measures shall be completed. If the permit holder fails to comply within the time specified, he may be subject to the revocation of his permit; furthermore, he shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by this section.

(Code 1972, § 13.16(8))

Sec. 18-69. Administrative appeal.

(a) Final decisions of the department of public works under this article shall be subject to review by the council, provided an appeal is filed with the council within 30 days from the date of any written decision by the director of public works which adversely affects the rights, duties or privileges of the persons engaging in or proposing to engage in land disturbing activities.

(b) All appeals must be in writing and must contain sufficient information to acquaint the council with the facts involved.

(Code 1972, § 13.16(9))

Secs. 18-70—18-100. Reserved.

Ordinance 548

Amending the Comprehensive Plan

Whereas, the City of Eagle River desires to keep the comprehensive plan up to date; and,

Whereas, Section 2.7 Infrastructure, Utilities and Community Facilities section does not adequately define the required planning documents utilized by the City for infrastructure planning purposes; and,

Whereas, the City Council and the Eagle River Utility Commission has created planning documents relevant to the long-term growth and service needs of the community.

Now, therefore, the City Council adopts this ordinance with the attached language change to amend the comprehensive plan.

Dated this 10TH day of January, 2017.

JEFFREY A. HYSLOP, MAYOR

DEBRA A. BROWN,
CLERK/TREASURER

Date adopted: 1-10-17

Date published: 1-18-17

Date effective: 1-18-17

Sec. 106-1. Definitions.

The following words, terms and phrases, when used in this chapter, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used or defined in one tense or form will include other tenses and definitive forms. If not otherwise defined in this section or other provisions of this Code, words used in this chapter will have their ordinary and accepted meaning.

Adult arcade means any place to which the public is permitted or invited wherein, for any form of consideration, electronically, electrically, or mechanically-controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis on the exhibition or display of specified sexual activities or specified anatomical areas.

Adult bookstore, adult novelty store, or adult video store means any commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

(1) Books, magazines, periodicals, or other printed matter; or photographs, slides, films, motion pictures, videos of any kind (including but not limited to DVDs, Blu-ray discs, or by way of streaming), or other visual representations; which are distinguished or characterized by their emphasis on the exhibition, display, depiction, or description of specified sexual activities or specified anatomical areas; or

(2) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for the sexual stimulation of the human genitals, anus, or female breast or for the sadomasochistic use or abuse of the user or others.

Nothing in this definition shall be construed to include devices primary intended for protection against sexually transmitted diseases or for preventing pregnancy. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of the materials or devices described in paragraphs (1) or (2) above and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials or devices. The materials covered by paragraph (1) above shall expressly exclude films, motion pictures, videos, slides, or other similar visual representations given an "R" or "NC-I 7" rating by the Motion Picture Association of America.

Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(1) Persons who appear in a state of nudity or semi-nudity; or

(2) Live performances which are distinguished or characterized by their emphasis on the exhibition or display of specified anatomical areas or specified sexual activities; or

(3) Films, motion pictures, videos, slides, photographs, or other visual representations which are distinguished or characterized by their emphasis on the exhibition or display of specified sexual activities or specified anatomical areas. This definition shall expressly exclude films, motion pictures, videos, slides, or other similar visual representations given an "R" or "NC-17" rating by the Motion Picture Association of America.

Adult entertainment business means an adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult novelty store, adult theater, adult video store, or escort agency. May also be referred to as a sexually oriented business.

Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, videos, slides, photographs, or other visual representations are regularly shown which are distinguished or characterized by their emphasis on the exhibition or display of specified sexual activities or

specified anatomical areas. This definition shall expressly exclude films, motion pictures, videos, slides, or other similar visual representations given "R" or "NC-17" rating by the Motion Picture Association of America.

Adult theater means a theater, concert, hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by their emphasis on the exhibition or display of specified anatomical areas or specified sexual activities. This definition shall expressly exclude films, motion pictures, videos, slides, or other similar visual representations given "R" or "NC-17" rating by the Motion Picture Association of America.

Agricultural and gardening means operations that raise plants on-site and outdoors. This definition includes nurseries and Christmas tree operations. Raising plants for consumption by livestock is considered agricultural if such plants are consumed by livestock located off-site.

Airport means any area of land or water designed and set aside for the landing and takeoff of aircraft, including necessary facilities for the housing and maintenance of aircraft.

Alter or *alteration* means any change other than routine maintenance of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof other than routine maintenance or exterior walls.

Buffer area means a landscaped area intended to separate and partially obstruct the view of two adjacent lands or properties from one another. (See also "Screening.")

Building means any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by party walls, each divided part will be deemed a separate unit.

Building accessory, means a structure which is subordinate to and serves a principal structure or a principal use; is located on the same lot as the principal structure or use served; and is subordinate in area, extent and purpose to the principal structure or use served.

Building height means the vertical distance from the average established street grade in front of the lot or the average finished grade at the front building line, whichever is higher, to the highest point of the coping of a flat roof; to the deck line of a mansard roof; or to the average height of the highest gable of a gambrel, hip or pitch roof.

Building line means the line parallel to the street line that passes through the point of the principal building nearest the front lot line.

Building permit means a permit that is issued to ensure that the structure is constructed to an appropriate standard (Wisconsin State Building Codes) and is safe for the intended use.

Building, principal, means a structure where the principal use of the lot on which it is located is conducted.

Business use means for use in the process of keeping the business operating.

Commercial use means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

Community living arrangement means facilities meeting the requirements of Wis. Stats. § 48.60 for child welfare agencies; group homes for children under Wis. Stats. § 48.02(7); and community-based residential facilities under Wis. Stats. § 50.01. Facilities not included are day care centers, nursing homes, hospitals, prisons or jails.

Conservation areas means environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in cases of overriding public interest.

Distinguished or characterized by means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by their emphasis upon the

exhibition or display of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or display of specified sexual activities or specified anatomical areas.

Dwelling unit means a building or portion of a building used exclusively for residential purposes, not including hotels, boardinghouses and lodging houses but including manufactured housing.

Escort means a person who, for any form of consideration, agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Escort agency means a person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other form of consideration.

Establishment means and includes any of the following:

(1) The opening or commencement of any sexually oriented/adult entertainment business as a new business; or the conversion of an existing business, whether or not a sexually oriented/adult entertainment business, to any sexually oriented/adult entertainment business; or

(2) The addition of any sexually oriented/adult entertainment business to any other;

(3) Existing Sexually oriented/adult entertainment business; or

(4) The relocation of any sexually oriented/adult entertainment business.

Fence means any partition, structure or gate erected as a dividing marker, barrier or enclosure around a land area. Hedges or similar living vegetation are not considered fencing.

Floodplain or *flood prone area* means any land area susceptible to being inundated by water from any source.

Home occupation means an accessory use of a dwelling unit for gainful employment which is clearly incidental and subordinate to the use of the dwelling unit as a residence, is carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling or the yard, and is located in a residential district. The occupants will transact no business on the premises that would generate additional traffic or parking problems for the neighborhood.

Home use means for use in the process of keeping the household suitable for human habitation.

Impervious surface means any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface will include but is not limited to graveled driveways and parking areas.

Junkyard means any premises on which there is an accumulation, whether one or more or in whole or in part, of scrap metal; old, dilapidated or rundown vehicles in a general state of disrepair; paper; rags; glass; salvage lumber; or other scrap, waste or debris materials stored or customarily stored for salvage, sale or future use by the owner or occupant.

Land use plan means a composite of the city land use document; all accompanying maps, charts and explanation material adopted by the council; and all amendments to the plan.

Livestock means all animals kept or raised for use or profit.

Lot means a platted parcel of land intended to be separately owned, developed and otherwise used as a unit.

Lot line means a line dividing one lot from another lot or from a street or alley.

Manufactured housing means a factory-built, single-family structure that is manufactured under the authority of 42 USC 5401 of the National Manufactured Home Construction and Safety Standards Act, when placed on-site:

(1) Is set on an enclosed foundation in accordance with Wis. Stats. § 70.043(1) and Ch. Comm. 27, of Wis. Admin. Code ILHR 21, or is set on a comparable enclosed foundation system approved by zoning administrator.

(2) Is installed in accordance with manufacturer's instructions.

Michigan roof means a roof constructed over an existing roof with only air space and supporting materials between the two roofs.

Mobile home means a transportable, factory-built home, designed to be used as year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. (See also "Manufactured housing.")

Nonconforming lot means a lot which lawfully existed prior to the adoption of the ordinance from which this chapter is derived, or any revision or amendment of this chapter, but which fails by reason of such adoption, revision or amendment to conform to the provision of this code.

Nonconforming use means a lawful use of land that does not comply with the use regulations for its zoning district, but which complied with applicable regulations at the time the use was established.

Nude, nudity, or a *state of nudity* means the showing of the human male or female genitals, pubic area, vulva, or anus, with less than a complete opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the areola, or the showing of the covered male genitals in a discernibly turgid state.

Open space means land which is required by this chapter to remain as open space; is intended to provide light and air; and is designed for either environmental, scenic or recreational purposes. Open space may include but is not limited to lawns, decorative planting, walkways, active and passive recreational areas, playgrounds, fountains, swimming pools, wooded areas, and watercourses. Open space will not be deemed to include impervious surfaces (i.e., driveways, parking lots or other surfaces intended for vehicular travel).

Park means any public or private land available for recreational, educational or cultural use.

Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

Premises means the real property upon which the sexually oriented/adult entertainment business is located, and all appurtenances thereto and buildings thereon, including but not limited to the sexually oriented/adult entertainment business, the grounds, the private walkways, and the parking lots adjacent thereto under the ownership, control, or supervision of the owner or operator of the business.

Principal use means the main use and chief purpose of a lot or structure.

Recycling collection point means an accessory use that serves as a neighborhood drop-off point for temporary storage of recyclable resources.

Recycling plant means a facility that is not a junkyard and in which receivable resources, such as newspapers, magazines, books and other paper products, are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

Regularly features or *regularly shows* means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the sexually oriented/adult entertainment business.

Routine maintenance means action taken to repair, improve and upgrade a building or structure without increasing the footprint beyond the thickness of new materials and includes, but is not limited to, the following: replacement or installation of windows, skylights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles and other roofing; replacing or repairing walls or floors of a foundation; internal improvements within the building envelope; installing a vented or "Michigan" roof and/or increasing the pitch of a roof, provided the living

space is not increased and the height of the building or structure does not exceed building height and setback requirements.

Setback means the required minimum horizontal distance between the building line and the related front, side or rear property line.

Semi-nude, semi-nudity, or a *state of semi-nudity* means the showing of the human male or female genitals, pubic area, vulva, or anus with not more than a complete opaque covering or the showing of the female breast with not more than a complete opaque covering of the nipple or areola.

Sewered means a structure which is connected to and served by a sewer system as defined and regulated by Wis. Admin. Code Ch. NR 110.

Sexually oriented business means an adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult novelty store, adult theater, adult video store, or escort agency. May also be referred to as an adult entertainment business.

Shipping container means a large, strong container, usually made of metal, used to store and/or transport goods; a container designed to be moved from one mode of transport to another without unloading and reloading. Not used for habitation - human or animals.

Sign means a structure or device designed or intended to convey information to the public in written or pictorial form.

Specified anatomical areas means:

(1) The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

(2) Less than completely and opaquely covered human genitals, pubic region, vulva, anus, or the nipple and areola of the human female breast.

Specified sexual activities means any of the following:

(1) The fondling or other erotic touching of another person's genitals, pubic region, buttocks, anus, or female breasts; or

(2) Sex acts, including but not limited to intercourse, oral copulation, masturbation, or sodomy.

Structure means the same as building.

(1) Primary means a structure or combination of structures of chief importance or function on a site.

(2) Accessory means a structure of secondary importance or function on a site.

Structural alteration means an alteration to a building or structure which is not included in the definition of routine maintenance.

Unit means a single housekeeping unit doing their cooking on the premises as distinguished from a boardinghouse/rooming house or hotel. Fraternities, sororities and clubs are not considered a family under this chapter.

Unsewered means a structure or parcel where the domestic sewage is treated by means of a private sewer system as defined by Wis. Stats. Ch. 145. Private sewer systems include but are not limited to septic tanks, soil absorption fields and holding tanks.

Use means the purpose or activity for which land or any building on the land is designed, arranged or intended for which it is occupied or maintainable.

Use accessory means a subordinate use on the same lot which is clearly incidental and customary in connection with the principal or conditional use.

Use conditional means a use of a special nature so as to make impractical the predetermination as a principal use in a district. Such uses require permits as specified in section 106-171.

Use principal means the main use of land or building as distinguished from a subordinate or conditional use for the zoning district.

Yard means the space between lot lines and building.

Zoning permit means a permit to regulate setbacks, types of uses, height, parking requirements, design and uses as they relate to the various zoning regulations and comprehensive plan.

(Code 1972, § 17.04; Ord. No. 477, 2-10-2009; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021; Ord. No. 571, 4-13-2021; Ord. No. 572, 7-13-2021)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 106-267. Impervious surface requirements.

(a) Existing impervious surfaces may be maintained, replaced and improved. Impervious surfaces are those that do not absorb rain and include all buildings, roads, sidewalks, patios, parking areas and any area paved in concrete or asphalt.

(b) Impervious surface ratios are calculated as follows:

(Acres/Square Feet of Impervious Surface) Divided by (Gross Acres/Square Feet of site)

(c) In the Downtown Commercial District up to 100 percent of the site may be an impervious surface. In other commercial or industrial districts, no greater than 80 percent of the lot will include impervious surfaces. In residential districts and the OR district, no greater than 65 percent of the lot will include impervious surfaces. The council may exempt city parking lots from this requirement.

(d) Installations of ramps and facilities for the handicapped are exempt from the impervious surface requirements.

(Code 1972, § 17.20(6); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-273. Drainage.

No land will be developed and no use will be permitted that results in water runoff which causes property damage or nuisance and/or erosion on adjacent properties.

(Code 1972, § 17.20(12); Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

Sec. 106-276. Shoreland regulations for shoreland properties annexed after 1982.

Shoreland properties annexed after 1982 will follow the shoreland regulations defined in Wis. Stats. § 62.233 Zoning of Annexed or Incorporated Shorelands.

(Ord. No. 518, 1-14-2014; Ord. No. 567, 1-12-2021; Ord. No. 568, 1-12-2021)

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September 1, 2026

VIA EMAIL ONLY

Robin Ginner

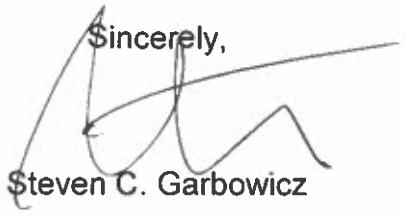
Re: **Stormwater Management Ordinance Amendment**

Dear Robin:

I received the Stormwater Management Ordinance Amendment you sent me. You are correct, it is a lot more comprehensive than what we currently have. However, given our experience with the UHaul situation, it is clear that what we have is not adequate when confronted with issues involving stormwater drainage. I have no objection to this. I prefer comprehensive to little or not detail. I would have no objection to the City Council adopting this Ordinance, or for that matter, the Plan Commission moving it on to the City Council.

If you have any other questions, please let me know.

Sincerely,



Steven C. Garbowicz

SCG:alc

CITY OF EAGLE RIVER Wisconsin

ORDINANCE NO. _____

DRAFT FOR DISCUSSION ONLY

AN ORDINANCE AMENDING SECTION 106-273 OF THE CITY OF EAGLE RIVER ZONING ORDINANCE REGARDING DRAINAGE AND STORMWATER MANAGEMENT

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WHEREAS, the City of Eagle River recognizes that development, redevelopment, construction, grading, paving, and other land-disturbing activities may alter existing drainage patterns and increase stormwater runoff; and

WHEREAS, changes in drainage patterns or increases in stormwater runoff may result in flooding, ponding, erosion, sedimentation, or other adverse impacts to neighboring or downstream properties; and

WHEREAS, Wis. Stat. § 281.33 authorizes municipalities to regulate construction-site erosion control and stormwater management and requires municipal regulations to conform to applicable uniform statewide standards; and

WHEREAS, the Wisconsin Department of Natural Resources has established statewide performance standards for construction-site erosion control and post-construction stormwater management under Wis. Admin. Code ch. NR 151 and related provisions; and

WHEREAS, the City Council finds that development within the City should be designed and constructed in a manner that protects neighboring and downstream properties from adverse stormwater impacts while maintaining consistency with applicable state law and administrative rules; and

WHEREAS, the City Council further finds that minor development and typical one- and two-family residential construction should not be subject to the same level of stormwater review as larger development, provided such development does not create an adverse drainage impact;

NOW, THEREFORE, the City Council of the City of Eagle River, Wisconsin, does ordain as follows:

SECTION 1. AMENDMENT OF § 106-273

Section 106-273 of the City of Eagle River Zoning Ordinance is hereby amended to read in its entirety as follows:

§ 106-273. Drainage and Stormwater Management.

A. Purpose.

The purpose of this section is to regulate stormwater drainage associated with development and redevelopment in order to:

1. Protect neighboring and downstream properties from adverse drainage impacts;
2. Prevent increases in flooding, ponding, erosion, sedimentation, and uncontrolled stormwater runoff;
3. Maintain existing drainage patterns to the maximum extent reasonably practicable;
4. Protect public drainage facilities and receiving waters from excessive stormwater runoff; and
5. Implement applicable state requirements relating to construction-site erosion control and post-construction stormwater management.

B. Applicability.

1. Construction-Site Erosion Control. Construction activities that meet the applicable thresholds established by Wis. Stat. § 281.33 and Wis. Admin. Code ch. NR 216 shall comply with all applicable state and City requirements for construction-site erosion and sediment control.
2. The construction-site erosion-control requirements apply to activities meeting applicable state thresholds, including land-disturbing activity affecting 4,000 square feet or more, excavation or filling involving 400 cubic yards or more, qualifying street, highway, road, or bridge construction, underground utility work of 300 feet or more, and activities requiring subdivision plat or certified survey approval, as provided by Wis. Stat. § 281.33.
3. Post-Construction Stormwater Management. The post-construction stormwater management requirements of this section shall apply to development meeting the applicable thresholds established under Wis. Stat. § 281.33, Wis. Admin. Code ch. NR 151, and related state requirements, including:

   a. Residential development with a gross aggregate area of five acres or more;

   b. Residential development with a gross aggregate area of three acres or more and at least 1.5 acres of impervious surface;

   c. Development other than residential development with a gross aggregate area of three acres or more; or

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d. Development of any size that is reasonably likely to result in stormwater runoff that exceeds the safe capacity of existing drainage facilities or a receiving body of water, causes undue channel erosion, increases water pollution through scouring or transportation of particulate matter, or endangers downstream property.

4. Development that is part of a **larger common plan of development or sale** shall be evaluated based upon the larger common plan when determining applicability.

C. Exemptions.

The following development shall generally be exempt from the post-construction stormwater management requirements of this section, provided the development does not meet the applicability requirements of subsection B.3(d) and is not part of a larger common plan of development or sale:

1. Construction of a **one- or two-family dwelling** and customary accessory structures associated with that dwelling where the project results in less than **one acre of land disturbance**;
2. Minor additions, accessory structures, decks, patios, driveways, and similar improvements that do not meet the applicable thresholds established in subsection B;
3. Routine maintenance, repair, or replacement of existing improvements that does not materially alter existing drainage characteristics; and
4. Other minor development determined by the Zoning Administrator to have no reasonable potential to create an adverse stormwater impact on neighboring or downstream property.

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An exemption from post-construction stormwater management requirements shall not authorize any person to redirect, concentrate, or discharge stormwater in a manner that creates an adverse impact on neighboring or downstream property.

Nothing in this subsection exempts a property owner or developer from any erosion-control, stormwater, building, plumbing, wetland, floodplain, or other requirement imposed by state or federal law.

D. Protection of Neighboring Properties.

All development subject to this section shall be designed and constructed so that stormwater generated by the development does not create or increase an adverse impact on neighboring or downstream properties.

Development shall, to the maximum extent practicable and consistent with applicable state law:

1. Maintain existing drainage patterns;

2. Avoid increasing the quantity, velocity, concentration, or rate of stormwater runoff onto neighboring or downstream property;
3. Avoid redirecting or concentrating stormwater onto neighboring or downstream property in a manner that did not exist prior to development;
4. Avoid causing or increasing flooding, ponding, erosion, sedimentation, or other drainage problems on neighboring or downstream property;
5. Avoid directing stormwater toward a neighboring building, structure, driveway, septic system, or other improvement in a manner that creates or increases an adverse impact; and
6. Provide for the management of stormwater on the development site whenever reasonably practicable.

The approval of a development, building permit, zoning permit, site plan, grading plan, or stormwater management plan shall not authorize a property owner to create an adverse drainage impact on neighboring or downstream property.

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E. Stormwater Management Standards.

Development subject to the post-construction requirements of this section shall comply with the applicable performance standards established under Wis. Admin. Code ch. NR 151 and related Wisconsin Department of Natural Resources requirements.

Stormwater management shall address, as applicable:

1. Water Quality. Reduction of total suspended solids and other pollutants in accordance with applicable state performance standards;
2. Peak Discharge. Maintenance or reduction of post-development peak runoff rates to applicable pre-development levels for the required design storm events;
3. Infiltration. Infiltration of stormwater runoff in accordance with applicable state performance standards and site conditions;
4. Protective Areas. Protection of applicable protective areas adjacent to lakes, streams, rivers, wetlands, and other water resources; and
5. Drainage and Flooding. Management of stormwater so that the development does not create or increase an adverse drainage or flooding impact on neighboring or downstream property.

The Wisconsin Department of Natural Resources technical standards, or successor standards, shall be used where applicable in the design, installation, and maintenance of stormwater management practices. The DNR maintains approved technical standards for practices including infiltration basins, infiltration trenches, rain gardens, vegetated swales, permeable pavement, and detention facilities.

F. Stormwater Management Plan.

For development subject to this section, the City may require the applicant to submit a stormwater management plan prepared in accordance with applicable state requirements.

The plan shall contain sufficient information for the City to determine whether the proposed development complies with this section and applicable state standards and may include:

1. Existing and proposed site grades;
2. Existing and proposed drainage patterns;
3. Existing and proposed impervious surface areas;
4. Existing and proposed stormwater runoff volumes and peak discharge rates;
5. Proposed stormwater management facilities and best management practices;
6. Proposed discharge locations and methods;
7. The location of neighboring properties and existing drainage facilities that may be affected by the development;
8. Applicable calculations demonstrating compliance with state stormwater performance standards; and
9. Other information reasonably necessary to determine compliance with this section.

The City may require that a stormwater management plan be prepared or certified by a professional engineer, land surveyor, or other qualified professional when reasonably necessary.

G. On-Site Stormwater Management.

Stormwater generated by development subject to this section shall be managed on the subject property whenever reasonably practicable.

Approved stormwater management measures may include, but are not limited to:

1. Infiltration areas;
2. Rain gardens or bioretention facilities;
3. Detention or retention facilities;
4. Infiltration basins or trenches;
5. Vegetated swales;
6. Permeable pavement or other pervious surfaces;
7. Grading and drainage improvements;
8. Berms or other approved site improvements; and
9. Other practices approved by the City and consistent with applicable Wisconsin Department of Natural Resources technical standards.

H. Existing Drainage Conditions.

Nothing in this section shall be interpreted to require a property owner to eliminate lawful drainage conditions that existed prior to development.

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Where development changes the existing drainage characteristics of a property, however, the property owner shall be responsible for implementing reasonable measures necessary to prevent the development from creating or increasing an adverse impact on neighboring or downstream properties.

I. Redevelopment.

Redevelopment projects shall comply with applicable state and local stormwater management requirements.

Where an existing developed property is redeveloped, the City may require improvements to existing drainage or stormwater management facilities when reasonably necessary to address an existing or anticipated flooding or drainage problem caused or exacerbated by the redevelopment.

Nothing in this section shall be interpreted to require the elimination of lawful existing drainage conditions solely because a property is being redeveloped.

J. Maintenance of Stormwater Facilities.

Stormwater management facilities required under this section shall be properly operated and maintained by the property owner or other responsible party.

The City may require a maintenance plan or agreement for stormwater management facilities when reasonably necessary to ensure their continued operation.

The property owner shall maintain stormwater management facilities in accordance with the approved plans and applicable maintenance requirements.

The City may require reasonable corrective measures if a stormwater management facility is not maintained or is no longer functioning as designed.

K. Corrective Measures.

If the City determines that development has resulted in an adverse stormwater impact on neighboring or downstream property, the property owner shall be responsible for taking reasonable corrective measures necessary to eliminate or mitigate the adverse impact.

Corrective measures may include, but are not limited to:

1. Regrading;
2. Installation or modification of drainage improvements;
3. Installation or modification of stormwater management facilities;
4. Installation of swales, berms, or other drainage controls;

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5. Modification of impervious surfaces; or
6. Other reasonable measures approved by the City.

Nothing in this subsection authorizes the City to require stormwater retention or infiltration in excess of limitations established by Wis. Stat. § 281.33.

L. State and Federal Requirements.

Compliance with this section does not relieve any person from compliance with applicable federal or state requirements, including requirements administered by the Wisconsin Department of Natural Resources.

Where another federal, state, county, or City regulation imposes a more stringent requirement that is legally applicable to the development, the more stringent requirement shall apply to the extent permitted by law.

The requirements of this section shall be administered and interpreted in a manner consistent with Wis. Stat. § 281.33 and applicable provisions of Wis. Admin. Code chs. NR 151, NR 152, and NR 216.

M. Enforcement.

A violation of this section shall be subject to the enforcement provisions and penalties established elsewhere in the City of Eagle River Municipal Code.

Each day that a violation continues may constitute a separate violation.

SECTION 2. CONFLICTING PROVISIONS

All ordinances, resolutions, or portions thereof inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. SEVERABILITY

If any provision of this ordinance is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the validity of the remaining provisions.

SECTION 4. EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as required by law.

Adopted this ____ day of _____, 2026.

DRAFT

CITY OF EAGLE RIVER

_____
Mayor

_____
City Clerk

DRAFT