

Checklist #4

Requirements for New Land Divisions with a Stormwater Mgt. Plan ("Certification of Compliance")

The Land Resources Division must certify compliance with county stormwater ordinance requirements before any new plat or CSM can be approved by the county Planning and Zoning Division. This "certification of compliance" helps ensure that all stormwater outlots, easements, setbacks, maintenance agreements and associated covenants and restrictions are properly documented prior to recording the land division through the Waukesha County Register of Deeds.

To obtain Certification of Compliance, provide the following applicable information on the plat or CSM:

- ___ 1. Delineation and dimensions of **well setbacks** in accordance with ch. NR 811 and 812 Wis. Admin. Code and applicable DNR technical standards.
- ___ 2. Delineation and dimensions of **outlots** set aside for stormwater management (when a BMP treats storm water from more than one lot).
- ___ 3. Delineation and dimensions of existing and proposed **drainage easements**.
- ___ 4. Delineation and dimensions of existing and proposed **access lanes** for future maintenance and inspection of storm water BMPs (minimum width is 15 feet).
- ___ 5. Delineation and dimensions of **utility easements**.
- ___ 6. Delineation, dimensions and descriptive notes for **protective areas**.
- ___ 7. **Building restrictions:** For buildings designed for human occupation, the plat or CSM may need to demonstrate compliance with the following building restrictions. Published county procedures must be followed to demonstrate compliance. The first two apply to any area that temporarily or permanently stores stormwater at a depth greater than one foot.
 - a. Minimum 2-foot vertical separation between the lowest elevation of the structure that is exposed to the ground surface and the maximum water surface elevation produced by the 100-year, 24-hour design storm (can be shown as an elevation on the lot).
 - b. Minimum 50-foot horizontal setback between the building and the closest edge of the water at the elevation produced by the 100-year, 24-hour design storm.

Note: For internally drained sites, the maximum water surface elevation for the 100-year, 24-hour storm for a. and b. above must be determined assuming frozen conditions.
 - c. Minimum 1-foot vertical separation between basement floors and highest groundwater table elevation.

Note: Basement construction must avoid hydric soils (very poorly drained) as much as possible.
- ___ 8. Language describing outlot ownership, BMP maintenance responsibilities, easements, setbacks and other applicable covenants or restrictions relating to the above noted items.
 - a. Sample BMP maintenance agreements are available; language is provided below.

Sample Outlot Statement

"The titleholders of lots 1 through 22 of the Highland Preserve Subdivision shall each hold 1/22 undivided and nontransferable interest in Outlot 1, where the stormwater management practices are located. There are one or more separate documents recorded on the property title through the Waukesha County Register of Deeds entitled "Stormwater Management Practice Maintenance Agreement" ("Maintenance Agreement") that apply to Outlot 1. The maintenance agreement subjects this subdivision plat, and all lot owners therein, to covenants, conditions and restrictions necessary to ensure the long-term maintenance of the stormwater management practice. The agreement also outlines

a process by which the [municipality name] may levy and collect special assessments or charges for any services the community might provide relating to enforcement of the Maintenance Agreement.

In accordance with Chapter 14 - Article VIII of the Waukesha County Code of Ordinances (“Stormwater Ordinance”), the Stormwater Permit Holder is responsible for constructing the stormwater management practices following plans approved by Waukesha County and is responsible for maintaining the stormwater practices until permit termination by Waukesha County. Upon termination of the Stormwater Permit, the owners of lots 1-22 shall be responsible for maintenance of the stormwater management practices in accordance with the Maintenance Agreement.”

Sample Easement Statements

“All lands within areas labeled “drainage easement” are reserved for stormwater collection, conveyance, treatment or infiltration. No buildings or other structures are allowed in these areas. No grading or filling is allowed in these areas that may interrupt stormwater flows in any way. The Maintenance Agreement may contain specific maintenance requirements for these areas. The [municipality name], Waukesha County or their designee are authorized access in these areas for purposes of inspecting the stormwater management practices or enforcing the terms of Maintenance Agreement.

All lands within areas labeled “access easement” shall remain clear of trees, shrubs and any structures that may interfere with the free movement of vehicles that may be needed to enter the area for maintenance purposes. The [municipality name], Waukesha County or their designee are authorized access to these areas for purposes of inspecting the stormwater management practices or enforcing the terms of the Maintenance Agreement.”

Sample Well Setback Statement

“All lands within areas labeled “well setback” are restricted from the placement of any well due to potential risk of contamination in accordance with the Stormwater Ordinance and Wisconsin Administrative Codes.”

Sample Basement Groundwater Separation Statement

“Basement floor surface elevations shall not be lower than (xx.xx) due to potential for high groundwater table.”

Sample Drainage Easement & Setback Statement for an Internally Drained Area

“Drainage easement for stormwater storage and infiltration. No grading or filling in this area. For any building designed for human occupation on a regular basis, the ground surface at the lowest exposed portion of the building shall be above the easement elevation of (xx.xx)”

Sample Protective Area Statement

Impervious surfaces and land disturbance restrictions apply within the protective areas in accordance with the Waukesha County Code of Ordinances and Chapter NR 151 Wisconsin Administrative Code.