

## CHAPTER 3 SPECIAL DISTRICTS

### **Part 1: Establishment of Special Districts**

#### **Sec. 13-3-1 Special Districts**

- (a) **Establishment of Special Districts.** Special districts encompass a variety of unique zoning tools that permit developers to achieve unique alternatives to traditional zoning districts. The six (6) special districts are as follows:
- (1) BP Bluff Protection Overlay District
  - (2) WHP Municipal Well Recharge Area Overlay District
  - (3) PUD Planned Unit Developments
  - (4) TND Traditional Neighborhood Developments
  - (5) CCD Conservation/Cluster Developments
  - (6) Form-Based Design Districts
- (b) **Purpose.** Special districts are established for the following purposes:
- (1) To provide for the concurrent processing and combining of permits to simplify and streamline the permitting process.
  - (2) To provide for the orderly and functional arrangement of land uses and buildings.
  - (3) To permit flexibility in site design and variety in development.
  - (4) To encourage well-planned neighborhoods through creative and imaginative planning and development.
  - (5) To provide for cost savings in infrastructure installation and energy use
  - (6) To create more functional active and passive recreation areas
  - (7) To achieve beneficial land use relationships
  - (8) To foster development compatible with local environmental objectives
  - (9) To preserve areas of natural or manmade scenic beauty and to preserve cultural and historic resources
- (c) **Classification.** When used as an overlay district, special districts shall be signified in the Zoning Map and Ordinances with the overlay designation after the underlying zoning designation. For example a Planned Unit Development within an underlying Light Industrial District shall be classified as M1-PUD.
- (d) **Application.** In addition to the applicants ability to request special zoning districts, the Plan Commission may recommend the application of special districts for any parcel.

#### **Sec. 13-3-2 BP - Bluff Protection Overlay District.**

- (a) **Purpose.** The City recognizes that consequences and impact of certain land use activities with regard to aesthetic, erosion and services delivery on areas having steep slopes. The purpose of the Bluff Protection Overlay District is to protect steep slopes and bluffland resources from certain land use activities by imposing appropriate restrictions upon lands located within these areas. The restrictions imposed herein are in addition to those of the underlying

residential, commercial or industrial zoning districts or any other provisions of the Zoning Ordinance.

- (b) **Permitted Uses.**

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- (1) Public Parks and Trails
- (2) Conservation Areas
- (3) Forestry
- (4) Municipal Reservoirs and Utilities

**SECTION 13-3-3 WELLHEAD PROTECTION ORDINANCE**

(a) **Purpose and Authority.**

- (1) **Purpose.** The residents of the City of Onalaska depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Wellhead Protection Ordinance is to institute land use regulations and restrictions protecting the municipal water supply of the City of Onalaska and to promote the public health, safety and general welfare of the City's residents.
- (2) **Authority.** Statutory authority of the City to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection, in §59.97(1) and §62.23(7)(c), Wis. Stats., to the statutory authorization for county and municipal planning and zoning to protect the public health, safety and welfare. In addition, under §62.23(7)(c) Wis. Stats., the City has the authority to enact this ordinance, effective in the incorporated areas of the City, to encourage the protection of groundwater resources.

(b) **Application of Regulations.**

The regulations specified in this Wellhead Protection Ordinance shall apply to the incorporated areas of Onalaska that lie within the recharge areas for municipal water supply wells as defined in this Section, and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this ordinance and the underlying zoning ordinance, the more restrictive provision shall apply.

(c) **Definitions.**

- (1) **Aquifer.** A saturated, permeable geologic formation that contains and will yield significant quantities of water.
- (2) **Provisional Use.** Land use or development that either by design or operation requires additional technical or regulatory review and permitting in order to exist within defined areas of a Wellhead Protection District.
- (3) **Cone of Depression.** The area around a well, in which the water level has been lowered at least one-tenth of a foot by pumping of the well.
- (4) **Design Standards.** Regulations that apply to the development of structures and infrastructure within a designated Wellhead Protection District.
- (5) **Five-year Time of Travel.** The 5-year time of travel is the recharge area upgradient a well, including the cone of depression, the outer boundary from which it is determined or estimated that groundwater will take five years to reach a pumping well.
- (6) **Municipal Water Supply.** The municipal water supply of the City of Onalaska.
- (7) **Operating Standards.** Regulations that apply to land use activities/business practices within a designated wellhead protection district.
- (8) **Permitted Use.** Land use or development that by design or operation is allowed without further technical or regulatory review within defined areas of a wellhead protection district.

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- (9) **Person.** Person means an individual, partnership, association, corporation, municipality or state agency, or other legal entity.
- (10) **Recharge Area.** The area which encompasses all areas or features that, by surface infiltration of water, reaches the zone of saturation of an aquifer, and supplies groundwater to a well.
- (11) **Regulated Substances.** Chemicals and chemical mixtures that are health hazards. Health hazards for chemicals and chemical mixtures are typically identified on Material Safety Data Sheets (MSDS) available from the substance manufacturer or supplier. Substances packaged for consumption for humans or animals are not considered regulated substances. Regulated substances include but are not limited to:
  - a. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, irritants, corrosives, sensitizers, hepatotoxins, agents that act on the hematopoietic system, reproductive toxins, and agents which damage the lungs, skin, eyes, or mucous membranes as defined in 29 CFR 1910.1200, Appendix A, "Health Hazard Definitions (Mandatory)."
  - b. Mixtures of chemicals, which have been tested as a whole and have been determined to be a health hazard.
  - c. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and comprises one (1.0) percent or greater of the composition on a weight per unit weight basis.
  - d. Mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one tenth of one (0.1) percent or greater of the composition on a weight per unit weight basis
  - e. Ingredients of mixtures prepared within the Groundwater Protection Overlay District in cases where such ingredients are health hazards but comprise more than one tenth of one (0.1) percent of the mixture on a weight per unit weight basis if carcinogenic, or more than on (1.0) percent of the mixture on a weight per unit weight basis if non-carcinogenic.
  - f. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids used in equipment or for transmission of electric power to homes and businesses).
- (12) **Thirty-day Time of Travel.** The 30-day time of travel is the recharge area of a well, or its cone of depression, the outer boundary of which it is determined or estimated that groundwater will take thirty days to reach a pumping well.
- (13) **Well Field.** A parcel of land used primarily for the purpose of locating wells to supply a municipal water system.
- (14) **Zone of Saturation.** The saturated zone is the area of unconsolidated, fractured or porous material that is saturated with water and constitutes groundwater.
- (d) **Groundwater Technical Review Committee.**
  - (1) The City of Onalaska Groundwater Technical Review Committee shall consist of the following City staff:
    - a. The City Planner, acting as committee chair;
    - b. The City Engineer
    - c. The Water and Sanitary Sewer Manager ;
    - d. The City Commercial Building Inspector.

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- (2) The purpose of the Onalaska Groundwater Technical Review Committee is to provide objective and scientific technical review of requests for provisional use permits and to make recommendations to the City Plan Commission to grant or deny provisional use permits based upon the facts discovered during review, to make recommendations on any and all provisions placed on a provisional use permit, and to give advice on matters concerning groundwater.
- (3) The Onalaska Groundwater Technical Review Committee may retain a consultant to assist in the review of requests for provisional use permits. Any costs incurred as part of the provisional use permit application review shall be reimbursed by the applicant.

(e) **Groundwater Protection Overlay District.**

A Groundwater Protection Overlay District may be created to institute land use regulations and restrictions within a defined area which contributes water directly to a municipal water supply and thus affects public health, safety, and welfare. The district is intended to protect the groundwater recharge area for the existing or future municipal water supply from contamination.

(f) **Supremacy of the District.**

The regulations of an overlay district shall apply in addition to all other regulations, which occupy the same geographic area. The provisions of any zoning districts that underlay this overlay district shall apply except when provisions of the Groundwater Protection Overlay District are more stringent.

(g) **Groundwater Protection Overlay Districts Boundaries.**

The boundaries of the Groundwater Protection Overlay District shall be shown on the City of Onalaska zoning map. The locations and boundaries of the zoning districts established by this ordinance are set forth on Figure 1, "City of Onalaska – Well Fields #7, #8 and #10 Wellhead Protection Area" and Figure 2. "City of Onalaska – Well Field #9 Wellhead Protection Area", which are hereby made a part of this ordinance. Said figures, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

The Groundwater Protection Overlay Districts are represented by the area encompassing the modeled 5-year time of travel. The Groundwater Protection Districts were determined utilizing accepted hydrogeological research and modeling techniques. District boundaries have been normalized to road centerlines, water boundaries, and public land section lines as follows:

(1) Well Fields #7, #8 and #10.

Part of the Southeast one-quarter (SE1/4), Southwest one-quarter (SW1/4), Section Twenty-eight (28), and part of the Southeast one-quarter (SE1/4), Section Twenty-nine (29), and part of the Northeast one-quarter (NE1/4), Southwest one-quarter (SW1/4) and Southeast one-quarter (SE1/4), Section Thirty-two (32), and part of the Northeast one-quarter (NE1/4), Northwest one-quarter (NW1/4), Southwest one-quarter (SW1/4), Section Thirty-three (33), Township seventeen north (T17N), and part of the Northwest one-quarter (NW1/4), Section Four (4), and part of the Northeast one-quarter (NE1/4), Northwest one-quarter (NW1/4) and Southeast one-quarter (SE1/4) Section Five (5), Township sixteen north (T16N), all in Range seven west (R7W), Town of Onalaska and City of Onalaska, LaCrosse County, Wisconsin described as follows:

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Beginning at the intersection of the centerlines of County Road SN and Juline Way;

Thence Southwesterly along the centerline of Juline Way to the centerline of Kyle Lane;

Thence Southwesterly and Northwesterly along the centerline of Kyle Lane to the Centerline of Craig Lane East;

Thence Southwesterly along the centerline of Craig Lane East and Craig Lane to the centerline of Johns Court and the West line of Section twenty-eight (28);

Thence South along the centerline of Johns Court and the West line of Section twenty-eight (28) and the West line of Section thirty-three (33) to the intersection of the centerlines of Rolling Oaks Drive and Victoria Lane;

Thence Northwesterly along the centerline of Rolling Oaks Drive to the centerline of Meier Lane;

Thence Southwesterly along the centerline of Meier Lane to the centerline of Franklin Street;

Thence Southwesterly to a point on the centerline of Cliffview Avenue which is 200.00 feet East of the centerline of Johnson Street;

Thence West along the centerline of Cliffview Avenue to the centerline of East Avenue North;

Thence South along the centerline of East Avenue North to the centerline of Riders Club Road;

Thence West along the centerline of Riders Club Road the centerline of Ridgeway Avenue;

Thence South along the centerline of Ridgeway Avenue to the centerline of Grove Street;

Thence West along the centerline of Grove Street to the centerline of Third (3RD) Avenue North;

Thence Southwesterly to the intersection of the centerlines of Kramer Road and Hurricane Court;

Thence Southerly along the centerline of Hurricane Court to the centerline of Schnick Road;

Thence Southwesterly along the centerline of Schnick Road and Schnick Road extended Southwesterly to the Ordinary High Water Mark of Lake Onalaska;

Thence Southeasterly along the Ordinary High Water Mark of Lake Onalaska to the centerline of Popular Street extended Westerly;

Thence Northeasterly along the centerline of Popular Street and Popular Street extended Westerly to the centerline of Fourth (4th) Avenue North;

Thence Southeasterly along the centerline of Fourth (4th) Avenue North to the centerline of Pearl Street;

Thence East along the centerline of Pearl Street to the centerline of Sixth (6th) Avenue North;

Thence North Along the centerline of Sixth (6th) Avenue North to the centerline of Spruce Street;

Thence East along the centerline of Spruce Street to the centerline of Oak Avenue North;

Thence North along the centerline of Oak Avenue North to the centerline of Vilas Street;

Thence East along the centerline of Vilas Street to the Centerline of Park Ridge Drive;

Thence North along the centerline of Park Ridge Drive 470.00 feet;

Thence Northeasterly to the centerline of County Road SN at a point 1500.00 feet North of the intersection of County Road SN and State Road Fifty-three (53);

Thence Northerly and Westerly along the centerline of County Road SN to the point of beginning.

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#### (2) Well Field #9

Part of the Southwest one-quarter (SW1/4), Southeast one-quarter (SE1/4) and Northeast one-quarter (NE1/4), Section nine (9), and part of the Northwest one-quarter (NW1/4), and Southwest one-quarter (SW1/4), Section ten (10), all in Township sixteen north (T16N), Range seven west (R7W), Town of Medary and City of Onalaska, La Crosse County Wisconsin, described as follows:

Beginning at the intersection of the centerlines of Wilson Street and Eleventh (11th) Avenue South;

Thence South along the centerline of Eleventh (11th) Avenue South 530.00 feet;

Thence West parallel with the centerline of Wilson Street 520.00 feet more or less to the centerline of Tillman Drive extended South;

Thence South parallel with the West line of Section nine (9) 1000.00 feet to the centerline of Canary Lane extended West;

Thence Easterly to the intersection of the centerlines of Canary Lane and Oriole Lane;

Thence East Along the centerline of Canary Lane to the centerline of Eleventh (11th) Avenue South;

Thence Southerly along the centerline of Eleventh (11th) Avenue South to the centerline of Oak Forest Drive;

Thence Easterly along the centerline of Oak Forest Drive to the centerline of Twelfth (12th) Avenue South;

Thence Southerly along the centerline of Twelfth (12th) Avenue South to the centerline of Interstate Ninety (I-90);

Thence East parallel with the South line of Section nine (9) 1700.00 feet;

Thence Northeasterly 900.00 feet more or less to the intersection of the centerlines of Custer Court and Afton Place;

Thence east along the centerline of Afton Place to the centerline of Winter Street;

Thence North along the centerline of Winter Street and Winter Street extended North to the centerline of Esther Drive;

Thence Northwesterly along the centerline of Esther Drive 520.00 feet;

Thence Southwesterly to the intersection of the centerlines of Oak Forest Drive and Wilson Street;

Thence west along the centerline of Wilson Street to the point of beginning.

#### (h) Permitted Uses.

The following permitted uses in Wellhead Protection Areas are subject to the separation distance requirements (set forth in Section 13-3-3(i)), prohibited uses (set forth in Section 13-3-3(j)), and applicable design and operational standards (set forth in Section 13-3-3(m)).

- (1) Public and private parks, playgrounds and beaches, provided there are no on-site wastewater disposal systems.
- (2) Wildlife and natural and woodland areas.
- (3) Biking, hiking, skiing, nature, equestrian and fitness trails.
- (4) Municipally sewered residential developments.
- (5) Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources are accounted for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.
- (6) Public parks, playgrounds and beaches, provided on-site wastewater shall be discharged to a holding tank or municipal sewer.

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- (7) Single-family residences on a minimum lot of 40,000 square feet with a private on-site sewage treatment system receiving less than 8,000 gallons per day, which meets the County and State health standards for the effluent, and is in conformance with COMM 83, Wis. Adm. Code.
- (8) Residential use of above ground LP gas tanks for heating, not to exceed 1,000 gallons.
- (9) Commercial and industrial establishments that are municipally sewered and whose aggregate use, storage, handling and/or production of Regulated Substances does not exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time. Commercial and industrial establishments that are municipally sewered and whose aggregate use, storage, handling and/or production of Regulated Substances exceed twenty (20) gallons or one hundred and sixty (160) pounds at any time must obtain a provisional use permit.
- (10) A limited exclusion from the provision of Section 13-3-3(h)(8) is authorized for non-routine maintenance or repair of property or equipment. The aggregate of Regulated Substances in use, storage, handling, and/or production may not exceed fifty (50) gallons or four hundred (400) pounds at any time.
- (11) A limited exclusion from the provisions of Section 13-3-3(h)(8) is authorized for each medical and research laboratory use, provided however, Regulated Substances shall be stored, handled or used in containers not to exceed five (5) gallons or forty (40) pounds of each substance and the aggregate inventory of Regulated Substances shall not exceed two hundred and fifty (250) gallons or two thousand (2,000) pounds.
- (12) A limited exclusion from the provision of Section 13-3-3(h)(8) is authorized for Regulated Substances which are cleaning agents, provided such cleaning agents are packaged for personal or household use or are present in the same form and concentration as a product packaged for use by the general public, and provided the aggregate inventory of such cleaning agents shall not exceed one hundred (100) gallons or eight hundred (800) pounds at any time. Citrus based, biodegradable cleaners are not considered a regulated substance. In no case shall Regulated Substances claimed under this exclusion include hydrocarbon or halogenated hydrocarbon solvents.

**(i) Separation Distance Requirements.**

The following separation distances as specified in NR 811.16(4)(d), Wis. Adm. Code, shall be maintained:

- (1) Fifty feet between a public water supply well and a stormwater sewer main or any sanitary sewer main constructed of water main materials and joints which is pressure tested in place to meet current AWWA 600 specifications.  
NOTE: Current AWWA 600 specifications are available for inspection at the office of the Wisconsin Department of Natural Resources, the Secretary of State's Office and the Office of the Reviser of Statutes.
- (2) Two hundred feet between a public water supply well and any sanitary sewer main not meeting the above specifications, any sanitary sewer lift station or single-family residential fuel oil tank.
- (3) Four hundred feet between a public water supply well and a septic system receiving less than 8,000 gallons per day, a stormwater detention, retention, infiltration or drainage basin or a cemetery.

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- (4) Six hundred feet between a well and any gasoline or fuel oil storage tank installation that has received written approval from the Wisconsin Department of Commerce (hereafter Commerce) or its designated agent under s. Comm 10.10, Wis. Adm. Code.
- (5) One thousand feet between a well and land application of municipal, commercial or industrial waste; industrial, commercial or municipal waste water lagoons or storage structures; manure stacks or storage structures; and septic tanks or soil adsorption units receiving 8,000 gallons per day or more.
- (6) Twelve hundred feet between a well and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or small demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds NR 140 enforcement standards that is shown on DNR's geographic information system registry of closed remediation sites; coal storage area; salt or deicing material storage area; gasoline or fuel oil storage tanks that have not received written approval from Commerce or its designated agent under s. Comm 10.10, Wis. Adm. Code; bulk fuel storage facilities; and pesticide or fertilizer handling or storage facilities.

**(j) Prohibited Uses.**

The following uses are prohibited in the Wellhead Protection Areas:

- (1) Cemeteries.
- (2) Chemical manufacturers (Standard Industrial Classification Major Group 28).
- (3) Dry cleaners.
- (4) Industrial lagoons and pits.
- (5) Landfills and any other solid waste facility, except post-consumer recycling.
- (6) Manure and animal waste storage except animal waste storage facilities regulated by the County.
- (7) All mining, including sand and gravel pits.
- (8) Pesticide and fertilizer dealer, transfer or storage facilities where the pesticides and fertilizer are in bulk and/or unpackaged.
- (9) Railroad yards and maintenance stations.
- (10) Rendering plants and slaughterhouses.
- (11) Salt or deicing material storage where the salt or deicing materials are in bulk and/or unpackaged.
- (12) Salvage or junkyards.
- (13) Septage or sludge spreading, storage or treatment.
- (14) Septage, wastewater or sewage lagoons.
- (15) Private on-site wastewater treatment systems or holding tanks receiving 8,000 gallons per day or more.
- (16) Stockyards and feedlots.
- (17) Construction of a storm water detention, retention or infiltration basin within 400' feet of a public water supply well shall not be allowed in accordance with State separation distance requirements (NR811.16 (4)(d)).
- (18) Wood preserving operations.

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#### (k) Permitted Conditional Uses

- (1) The following uses are conditionally permitted in the Wellhead Protection Areas:
  - a. Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA criteria under 40CFR part 370).
  - b. Coal storage.
  - c. Motor vehicle services, including filling and service stations, repair, renovation and body working.
- (2) Conditional Use Permits. Any person may request a conditional use permit for the uses, activities and structures within the Groundwater Protection Overlay District set forth in this section. All requests for a conditional use permit shall be submitted in writing to the City of Onalaska Planning Department for a review of permit application materials. The request will then, if properly prepared, be forwarded to the City Planner, as the Chairperson of the Groundwater Technical Review Committee, for inclusion on the agenda of the next Plan Commission Meeting. The Conditional Use Permit Application shall include the following if requested by the Groundwater Technical Review Committee:
  - a. A site plan map set showing all building and structure footprints, driveways, sidewalks, parking lots, stormwater management structures, groundwater monitoring wells, and 2-foot ground elevation contours. The plan set should also include: building plans (must include floor plans of typical floors and denote all entrances, exits, loading docks, building service areas, etc.), storage areas for Regulated Substances, grading plans showing existing and proposed grades and contours, proposed surface water drainage patterns, catch basin and storm sewer locations, connections to existing utilities and a construction site erosion control plan. The site plan set shall be developed in accordance with the Design Standards established for the Wellhead Protection Overlay District as defined in Section 13-3-3(m).
  - b. An operational plan and/or other documentation, which describes in detail the use, activities, and structures proposed. The operational plan shall be developed in accordance with the Operational Standards established for the Wellhead Protection Overlay District as defined in Section 13-3-3(m).
  - c. An environmental risk assessment report prepared by a licensed professional engineer or geologist which describes the risk to, and potential impact of, the proposed use, activities, and structures on groundwater quality.
  - d. An operational safety plan, which details the operational procedures for material process and containment, best management practices, stormwater runoff management, and groundwater monitoring as required.
  - e. A contingency plan, which addresses in detail the actions that will be taken should a contamination event caused by the proposed use, activities, or structures occur.
- (3) The person making the request shall reimburse the City for consultant fees and technical review committee expenses associated with this review at the invoiced amount, plus administrative costs.
- (4) All conditional use permits granted shall be subject to conditions that will include such environmental and safety monitoring as determined necessary to afford adequate protection of the public water supply.
- (5) The person making the request shall reimburse the City for consultant fees and technical review committee expenses associated with this review at the invoiced amount, plus administrative costs.

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- (6) All conditional use permits granted shall be subject to provisions that will include such environmental and safety monitoring as determined necessary to afford adequate protection of the public water supply. These provisions shall include, but not be limited to:
  - a. Provide current copies of all Federal, State and local facility operation approval or certificates and on-going environmental monitoring results to the City.
  - b. Establish environmental or safety structures/monitoring to include an operational safety plan, material processes and containment, operations monitoring, best management practices, stormwater runoff management, and groundwater monitoring.
  - c. Replace equipment or expand in a manner that improves the environmental and safety technologies being utilized.
  - d. Prepare, file and maintain a current contingency plan, which details the response to any emergency, which occurs at the facility, including notifying municipal, county and state officials. Provide a current copy to the City.
- (7) The Onalaska Plan Commission shall decide upon a request for a conditional use permit only after full consideration of the recommendations made by the Onalaska Groundwater Technical Review Committee. Any provisions above and beyond those specified in Provisional Uses, subsection (5) herein, that are recommended by the Onalaska Groundwater Technical Review Committee may be applied to the granting of the conditional use permit by the Onalaska Plan Commission.
- (8) The Conditional Use Permit will become effective only after any costs incurred during the Conditional Use Permit application review are satisfied by the applicant.
- (9) Conditional Use Permits are non-transferable. In a case of business or property transfer, the new owner is responsible for applying for a new conditional use permit subject to subsections 1-8 of this Section.

#### **(l) Classification of Use.**

- (1) Classification of a use as being permitted, prohibited, or conditional shall be determined by an application submitted to the City Planner. The application shall be in writing and shall describe in detail the use, activities and structures proposed along with the quantities, use of, storage and handling of all regulated substances. A scaled site map showing all building and structure footprints, driveways, loading docks, sidewalks, parking lots, storage yards and any other information deemed necessary for determination. In case of question as to the classification of a proposed use, the application shall be forwarded to the Groundwater Technical Review Committee for determination in accordance with the following procedure:
  - a. Application: The above-described application shall be submitted to the City Planner. The application will be then forwarded to the Groundwater Technical Review committee, by the committee chair. The Groundwater Technical Review Committee may request additional information as deemed necessary to facilitate a determination.
  - b. Investigation: The Groundwater Technical Review Committee shall make or have such investigation made in order to compare the nature and characteristics of the proposed use with those that are permitted, provisional or prohibited.

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- (2) Determination: The Groundwater Technical Review Committee shall determine the use as being permitted, prohibited, conditional or provisional. The determination of the Groundwater Technical Review Committee shall be rendered in writing within 90 days from receiving all requested information and shall include findings supporting the conclusion.

(m) **Design and Operational Standards.**

- (1) The following Design Standards apply to permitted land use activities within the Wellhead Protection District:
  - a. All parking lots exceeding eight (8) stalls, all sump pumps and all roof drains shall be connected to a storm sewer or other approved drain. Use of drywells or other subsurface drains is prohibited.
  - b. No more than seventy percent (70%) of a lot shall be covered by impervious surfaces such as buildings or parking lots.
  - c. All parking lots shall be paved with asphalt or concrete.
  - d. All storm water conveyance within 400 feet from a well shall be via a swale lined with an appropriate impervious material or a watertight storm sewer pipe.
  - e. Storm water retention/infiltration ponds shall be avoided. Where their use cannot be practically avoided, the storm water retention/infiltration ponds shall, at a minimum, use a fore bay design intended to maximize natural filtration. The fore bay designs shall include spill containment measures, initial and secondary detainment weirs and/or outfall control valves, per the State of WI manual on Infiltration Basins. Soils within the Onalaska Wellhead Protection Areas consist of low organic sands. The groundwater is susceptible to contamination from certain herbicides, pesticides, volatile organic compounds, polynuclear aromatic hydrocarbons, salt and heavy metals potentially found in storm water runoff. Persons proposing storm water detention, retention or infiltration basins within the Onalaska Wellhead Protection Areas shall submit to the City Engineer plans and specification signed and sealed by a professional engineer licensed in the State of Wisconsin delineating: area of storm water contribution, distance from public water supply wells, vertical distance from base of facility to normal groundwater table, anticipated potential storm water pollutants, annual average mass for each parameter, and proposed operations and maintenance procedures. All proposed facilities shall be designed to minimize adverse impacts to the ground water.
  - f. Stormwater and sanitary sewer mains must meet separation distance requirements as defined in Sec. 13-3-3(i).
  - g. Sanitary sewer mains must be pressure tested in place to meet current State of Wisconsin Department of Administration Division of Facilities Development Master Specifications and applicable local or project specific specifications.
  - h. Facilities that handle Regulated Substances shall have a minimum of one loading/unloading area designated for the handling of Regulated Substances. The designated loading/unloading areas shall be designed with spill and/or runoff containment that is connected to a municipal sanitary sewer lateral. The loading/unloading areas shall be designed to minimize precipitation or stormwater run on from entering the sanitary sewer. Regulated Substances may be loaded/unloaded only in a designated handling area.

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- i. Above ground storage areas for Regulated Substances shall be designed with secondary containment capable of controlling one hundred twenty five (125%) of the maximum design capacity of the liquid storage area.
  - j. Facilities involved in the handling of Regulated Substances will, when determined necessary by the Committee, prepare a groundwater monitoring plan.
  - k. All rail spurs used to transport Regulated Substances shall be designed to minimize infiltration and convey runoff to a stormwater conveyance system. Rail car loading/unloading areas used to handle Regulated Substances shall be designed with spill and/or runoff containment that is connected to a municipal sewer lateral. The loading/unloading area shall be designed to minimize precipitation or stormwater run on from entering the sanitary sewer.
- (2) The following Operational Standards apply to permitted land use activities within the Wellhead Protection District:
- a. No outdoor storage of product, material, or equipment other than that approved through the provisional use permitting process shall be allowed. Any designated outdoor storage area shall be an impervious surface paved with concrete or asphalt and have secondary containment when applicable.
  - b. Regulated Substances associated with paving, the pouring of concrete, or construction for which all necessary permits have been obtained may be handled in the Groundwater Protection Overlay District, provided such Regulated Substances are present at the construction site for which the permits have been issued and do not pose a real and present danger of contaminating surface and/or groundwater. For the onsite storage of fuel for vehicles or other equipment, which may be associated with such construction activity, the fuel storage containers shall be secondarily contained. Regulated Substances not used in the construction process and all wastes generated during construction shall be removed from the construction site not later than at the time of the completion of the construction. If construction activity has ceased for 30 days, all Regulated Substances shall be removed from the site until such time as the construction activity is to resume.
  - c. The use of deicing salt or other chemical deicing materials shall be minimized and used only when threats to safety occur.
  - d. Except in the case of seasonal discontinuation of operation, the owner or operator of any non-residential property that becomes unoccupied or has discontinued operation for a period of 30 consecutive days shall remove all Regulated Substances from the property, except those approved to be exclusively used for heating, cooling, and providing electrical lighting for the premises, within 30 days after the date upon which the property initially became unoccupied or the operation discontinued. The owner or operator shall secure the Regulated Substances on the property until they have been removed. The owner or operator shall notify the Onalaska City Planner in writing of the date of the cessation of operation or the property becoming unoccupied no later than the day upon which the operation actually ceases or the property becomes unoccupied, and such notification shall include the owner's name, phone number, and address and the operator's name, phone number, and forwarding address.
  - e. Truck, truck trailer, rail car, or tank truck loading and unloading procedures for Regulated Substances shall meet the minimum requirements of the U.S. Department of Transportation (DOT) and Wisconsin DOT.

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- f. No truck, trailer, rail car, or tank truck shall be used for onsite storage of Regulated Substances. Regulated Substances shall be transferred from the delivery vehicle to the Regulated Substance storage area as soon as feasibly possible.
- g. Loading and unloading procedures for Regulated Substances shall occur in designated loading/unloading areas. Warning signs and chock blocks shall be provided in the loading and unloading area to prevent premature vehicular departure.
- h. Daily visual inspections of Regulated Substances shall be conducted to check for container damage or leakage, stained or discolored storage surfaces in all storage areas, excessive accumulation of water in outdoor curbed areas, and to ensure that dike drain valves are securely closed in outdoor curbed areas.
- i. Storage areas for Regulated Substances shall have access restricted to properly authorized and trained personnel.
- j. Companies shall provide adequate training to ensure that established operational safety plans and contingency plans are understood by all authorized personnel.
- k. Companies using or producing Regulated Substances shall have an adequate quantity of spill response equipment and supplies onsite to contain and cleanup spills of Regulated Substances.
- l. Annual spill prevention briefings shall be provided to authorized personnel by company management to ensure adequate understanding of the operational safety and contingency plans. These briefings shall highlight any past spill events or failures and recently developed precautionary measures. Records of these briefings shall be kept for documentation purposes.
- m. Instructions and phone numbers for reporting spills to the City of Onalaska Fire Department and other local, State and Federal agencies shall be posted in all areas where Regulated Substances are handles.

#### (n) **Requirements for Existing Facilities.**

- (1) Existing facilities within the Groundwater Protection Overlay district at the time of enactment of such district which use, store, handle, or produce Regulated Substance in excess of quantities outlined in Section 13-3-3 (h-k), and all other facilities which are considered a prohibited use in Prohibited Uses, Section 13-3-3(j), or a conditional use in Conditional Use Permits, Section 13-3-3(k) shall be subject to the following requirements.
  - a. Such facilities as defined in this Section 13-3-3(n) which exist within the district at the time of enactment of a district shall provide copies of all current, revised or new federal, state and local facility operation approvals, permits or certificates; operational safety plans; and on-going environmental monitoring results to the City.
  - b. Such facilities as defined in Section 13-3-3(n) which exist within the district at the time of enactment of a district shall have the responsibility of devising, filing and maintaining, with the City, a current contingency plan which details how they intend to respond to any emergency which may cause or threaten to cause environmental pollution that occurs at their facility, including notifying municipal, county and state officials.

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- c. Such facilities as defined in Section 13-3-3(n) cannot engage in or employ a use, activity, or structure listed in Prohibited Uses, Section 13-3-3(j), or in Conditional Uses, Section 13-3-3(n), which they did not engage in or employ at the time of enactment of a district, and can only expand, replace in kind or rebuild those present uses, activities, equipment, or structures on the site or property of record associated with the facility at the time of enactment of a district, and in a manner that improves the environmental and safety technologies already being utilized. No existing use, activity, or structure listed as a prohibited use or provisional use shall be expanded, replaced in kind, or rebuilt unless a conditional use permit is granted for such expansion, replacement, or rebuilding. This section does not apply to normal maintenance or minor repairs.
  - d. Such facilities as defined in this Section 13-3-3(n) cannot change the quantity or type of Regulated Substances handled, used or stored by the facility at the time of enactment of a district unless a provisional use permit is granted for such change in quantity or type.
- (o) **Changing Technology.**
- (1) The uses prohibited by this district are prohibited based upon the combined pollution experience of many individual uses, and the technology generally employed by a particular use considered to be of a high risk for pollution to the groundwater resource. As the technology of other uses change to low or non-risk materials or methods, upon petition regarding such use, after conferring with the Groundwater Technical Review Committee or other expert opinion, and after appropriate public notice and hearing, the City, through appropriate procedures and actions to change these provisions of the Onalaska Municipal Code, may remove from the designated prohibited uses such uses as are demonstrated convincingly that they no longer pose a groundwater pollution hazard.
  - (2) In dealing with uses which attempt to become permissible, under the terms of this district, by continuing to utilize pollutant materials but altering their processing, storage and handling, it is not the intention to accept alternate or reduced hazards as the basis for making a use permissible. It is the intention to continue a prohibition on such uses until the technology of the use removes reliance upon the pollutant materials or processes deemed to be a groundwater hazard.
- (p) **Enforcement and Penalty.**
- (1) **Penalty.** Any person who violates, neglects or refuses to comply with any of the provision of this ordinance shall be subject to a penalty as provided in Section 1-1-7 of the Code of Ordinances.
  - (2) **Injunction.** The City of Onalaska may, in addition to any other remedy, seek injunction or restraining order against the party alleged to have violated the provision herein, the cost of which shall be charged to the defendant in such action.
  - (3) **Notice of Violation.**
    - a. Any person found in violation of any provisions of this ordinance will be served with a written notice stating the nature of the violation and providing reasonable time for compliance.
    - b. The notice shall be served in the manner provided by the law for the service of civil processes. Where the address of the violator is unknown, service may be made upon the owner of the property involved at the tax-mailing address of the owner as shown on the County tax record.

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- (4) Inspection. Subject to applicable provision of law, the City of Onalaska Inspector or authorized representative thereof shall be permitted to enter private property at any reasonable time, with reasonable cause or with prior notification, for such purposes as inspection, observation, measurement, sampling, and records examination pertaining to the requirements of this Ordinance to ensure that activities are in accordance with the provision of Sections 13-3-3(h) through 13-3-3(n). Upon request of the entity which is the subject of the inspection, and if permitted by the State Public Records Law, information obtained as a result of the inspection shall be maintained as confidential. If the owner or tenant does not consent to the entry of the appointed individual for the above stated purposes, the Plan Commission may apply to a court of competent jurisdiction for an appropriate warrant or other authority to enter said property.
- (5) Vandalism. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, property, or equipment which is a part of or used in conjunction with water facilities of the City and/or any other protected public water supply, or which results in the violation of Sections 13-3-3(h) through 13-3-3(n).
- (6) Subject Area. The area subject to the provisions of this ordinance is the Wellhead Protection Overlay District as shown on the official Zoning Map of the City of Onalaska and as legally described in Section 13-3-3(g).
- (7) Determination of Applicability. It shall be the responsibility of any person owning real property and/or owning or operating a business within the Wellhead Protection District to make a determination of the applicability of Section 13-3-3(h) through 13-3-3(m) as they pertain to the property and/or business, and failure to do so shall not excuse any violation of said sections.
- (8) Management.
  - a. No persons shall place, deposit, or permit to be deposited, store, process, use, produce, dispose of, transport, or discharge, hereinafter referred to as “handle”, any Regulated Substance on public or private property within the Wellhead Protection District or in any area under the jurisdiction of said Wellhead Protection District, except as provided by law, statute, ordinance, rule or regulation.
  - b. Any violation of subsection (8)a of this Section is hereby determined to be a nuisance.
- (9) Spills, Leaks or Discharges.
  - a. Any person with direct knowledge of a spill, leak or discharge of a Regulated Substance within the Wellhead Protection District shall, if such spill, leak or discharge escapes containment or contacts a non-impervious ground surface and is not immediately and completely remediated, give notice to the City of Onalaska Fire Department utilizing the county wide 911 service and the Superintendent/Manager of Public Utilities of the City of Onalaska, or the operator on duty at the affected or potentially affected water treatment facility by telephone within thirty (30) minutes. The notification shall include at a minimum, the location of the incident, name and telephone number of the contacting party, date and time thereof, type of substance(s), concentration and volume, and control or corrective action taken. Such notification shall in no way alleviate other local, State, and Federal reporting obligations.

