

Date	11/20/2023 REVISED 11/22/2023
To	Kelly Wisnefske, Town Administrator, Town of Clayton
From	Matt Stephan, P.E.
Subject	Flees Pond – Engineering Review

REVIEWED REVISED SUBMITTAL INFORMATION AND TALKED TO BRANDON FLEES REGARDING THE POND, LAYOUT, DESIGN. INFORMED THERE WILL BE NO BERM CONSTRUCTED HOLDING WATER. MATT STEPHAN - 11/22/23

Cedar Corporation was asked to provide an engineering review for the above referenced project regarding a private stormwater pond.

APPROVABLE WITH CONCERNS IN BOXES BELOW.

Items reviewed are unstamped Conditional Use Application dated 11/13/2023 with revision made 11/16/2023. The application and revision are attached for reference.

The application was reviewed for conformance with Attachment A to Ordinance 2022-002, *An Ordinance Establishing Requirements for the Creation and Maintenance of Artificial Ponds, Ditches and Dikes in the Town of Clayton.*

We offer the following comments regarding our review:

On the Application, please elaborate on the anticipated results expected from the construction of the pond.

SECTION 4 OF THE ORDINANCE:

1. Setbacks:

a. No part of an artificial pond or dike, including the embankment for the retention of water shall be created or enlarged within 25 feet of a property line.....

✓ No dike, berm or embankment detail has been included with the application packet. It appears that the edge of the normal water surface is located 30’ from the property line. Embankment details with elevations and slopes need to be submitted for review.

OK - PER REVISED PLAN 11/22/23 - NO EMBANKMENT PLANNED.

b. No part of an artificial pond or dike, including the embankment for the retention of water, with an embankment height of 36 inches or more above grade shall be created or enlarged within 50 feet of a property line....

✓ No dike, berm or embankment detail has been included with the application packet. It appears that the edge of the normal water surface is located 30’ from the property line. Embankment details with elevations and slopes need to be submitted for review.

Embankment height may require a greater setback if height of embankment is greater than 36-inches. **OK - PER REVISED PLAN 11/22/23 - NO EMBANKMENT PLANNED.**

2. Slopes:

- ✓ Pond bottom slope proposed at 7:1 to 8:1. Allowable slope is as steep as 3:1. Slope is OK.
OK

3. Safety Shelf:

... Ponds greater than 3,600 square feet shall have a minimum shelf of 10 feet not less than 12" below the ordinary high water mark.

- ✓ The proposed pond is submitted with a 3,825 sf normal water surface footprint. The pond needs to provide a 10 foot wide safety shelf.

OK - PER REVISED PLAN 11/22/23, 10' safety shelf called out on typical cross section.

4. Artificial Ponds or Dikes Over 10,000 Cubic Feet:

The creation or enlargement of any artificial pond or dike resulting in greater than 10,000 cubic feet of water capacity shall require plans prepared by a State of Wisconsin licensed civil engineer.

- ✓ Not applicable as we calculate the pond as submitted to hold 7,035 cf of water. The requirements of Section 4.4 may be triggered based on additional information regarding the berm and volume increase above the normal water surface. This will be re-evaluated with submittal of additional berm/embankment information.

OK - PER REVISED PLAN 11/22/23, NO BERM FAILURE CONCERNS, NO 10,000 CF OF VOLUME.

- ✓ No dike, berm or embankment detail has been included with the application packet. It appears that the edge of the normal water surface is located 30' from the property line. Embankment details with elevations and slopes need to be submitted for review.

OK - PER REVISED PLAN 11/22/23 - NO EMBANKMENT PLANNED.

8. Embankment:

- ✓ The applicant needs to provide embankment details with anticipated soil types used for the embankment. Topsoil shall not be used for embankment and clear stone is not a permissible embankment material.

Outlet structure details shall be provided along with details of an emergency spillway (length, height, elevations, scour protection, etc.) Note: the emergency spillway should safely provide capacity for the 100-year storm event.

OK - PER REVISED PLAN 11/22/23 - NO EMBANKMENT PLANNED.

Point discharge onto a neighboring property may create adverse conditions. We recommend coordination with the neighbor on discharge location or make use of a level spreader type of diffuser prior to draining to neighboring property.

SECTION 5 OF THE ORDINANCE:

2. Permit Submittals:

- c. *Site topography with one-foot contour intervals and the direction and flow of the surface water on the site.*

One foot contours were provided for the applicants property. Flow direction on site were not accurately portrayed on the property. (See Approximate Flow Directions in markup of original submittal attached)

For use in evaluating the pond and in reviewing outlet structures and emergency spillway, the whole drainage basin draining to the pond should be identified and submitted. This can be done using the County GIS System and On-line contours.

OK - PER REVISED PLAN 11/22/23 - NO EMBANKMENT PLANNED, NO OUTLET STRUCTURE.

- d. *Cross sections of the pond, ditch or dike every 25 feet showing the embankment, channel and depth along with the estimated volume and flow of water in cubic feet per second for a 25 year return rainfall for a watercourse.*

This information needs to be submitted. Note, from our review of the pond with 7:1 slope of the pond bottom, we find the pond will be approximately 3.5-feet deep in the middle vs the 5-foot depth noted in the application. (See Volume Attachment in markup of original submittal attached.)

OK - REVISED PLAN 11/22/23. Revised plan has a standard cross section.

- e. *Embankment materials and methods of construction including erosion and sedimentation control.*

OK - PER REVISED PLAN 11/22/23.

- ✓ Show erosion control practices on the plans. Provide more detailed embankment materials with soil types and classifications to be used. Provide method of compaction of embankment materials. OK - No embankment to review. Revision states silt fence will be used.

- i. *Received permits as needed from other County, State or Federal agencies or utility companies.*

Applicant should be aware that a DNR Pond General Permit 3500-144 will likely be needed. Check with County for any required County Permits.

- ✓ One foot contours were provided for the applicants property. Flow direction on site were not accurately portrayed on the property. For use in evaluating the pond and in reviewing outlet structures and emergency spillway, the whole drainage basin draining to the pond should be identified and submitted. This can be done using the County GIS System and On-line contours.

OK - No embankment or outlet structure to model or review.

Conditional Use – Pond Request – revision 11-22-23

8375 Whispering Meadows Drive, Larsen WI 54947

Purpose Statement:

The intended purpose of this pond is to direct and retain stormwater that is currently accumulating on along the West side of the property in order to avoid large pooling and potential damage to the home. Overflow from the pond will flow into the West drainage ditch. Photos below are from the last three rainstorms.

10-14-23



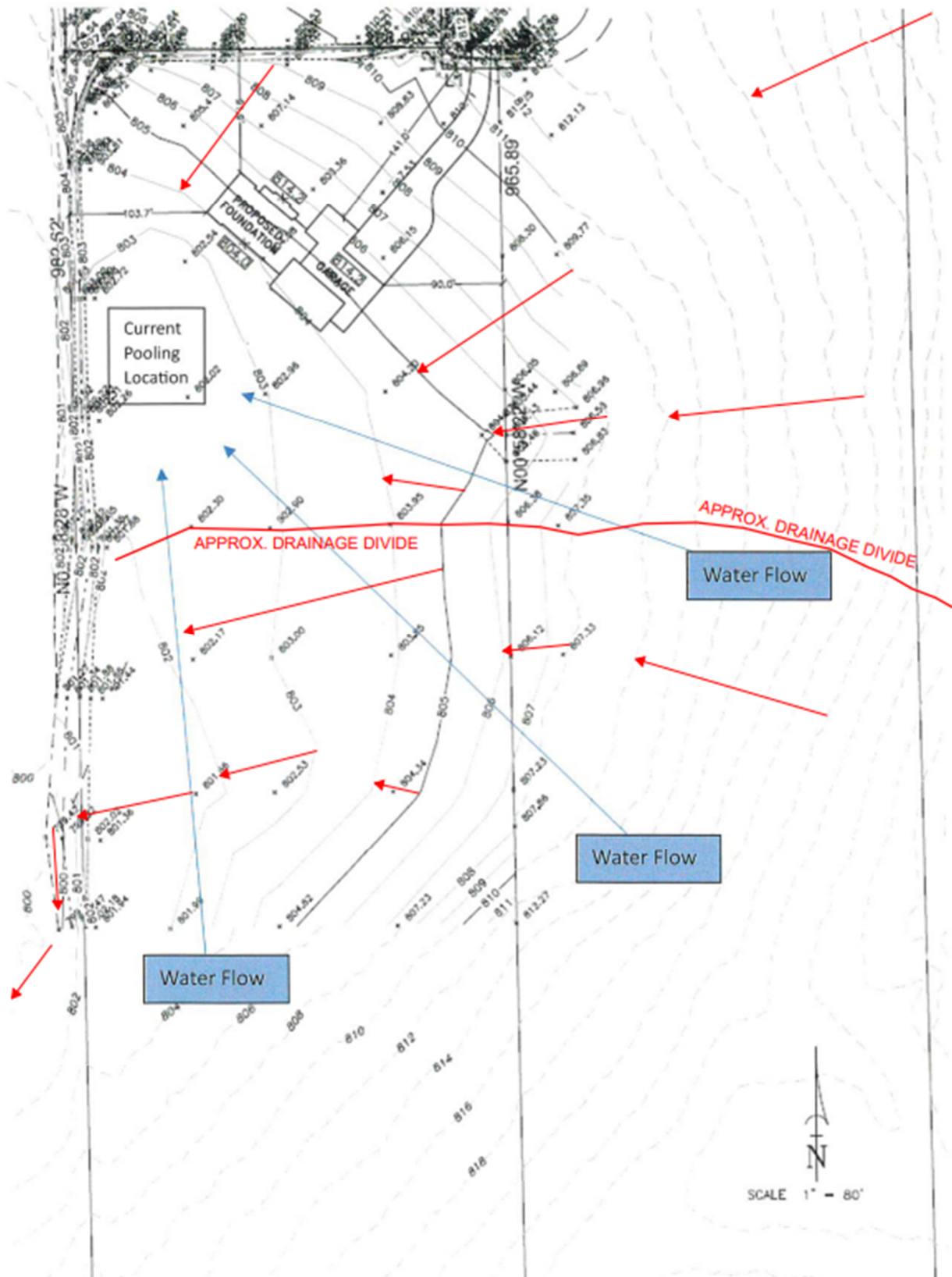
10-24-23



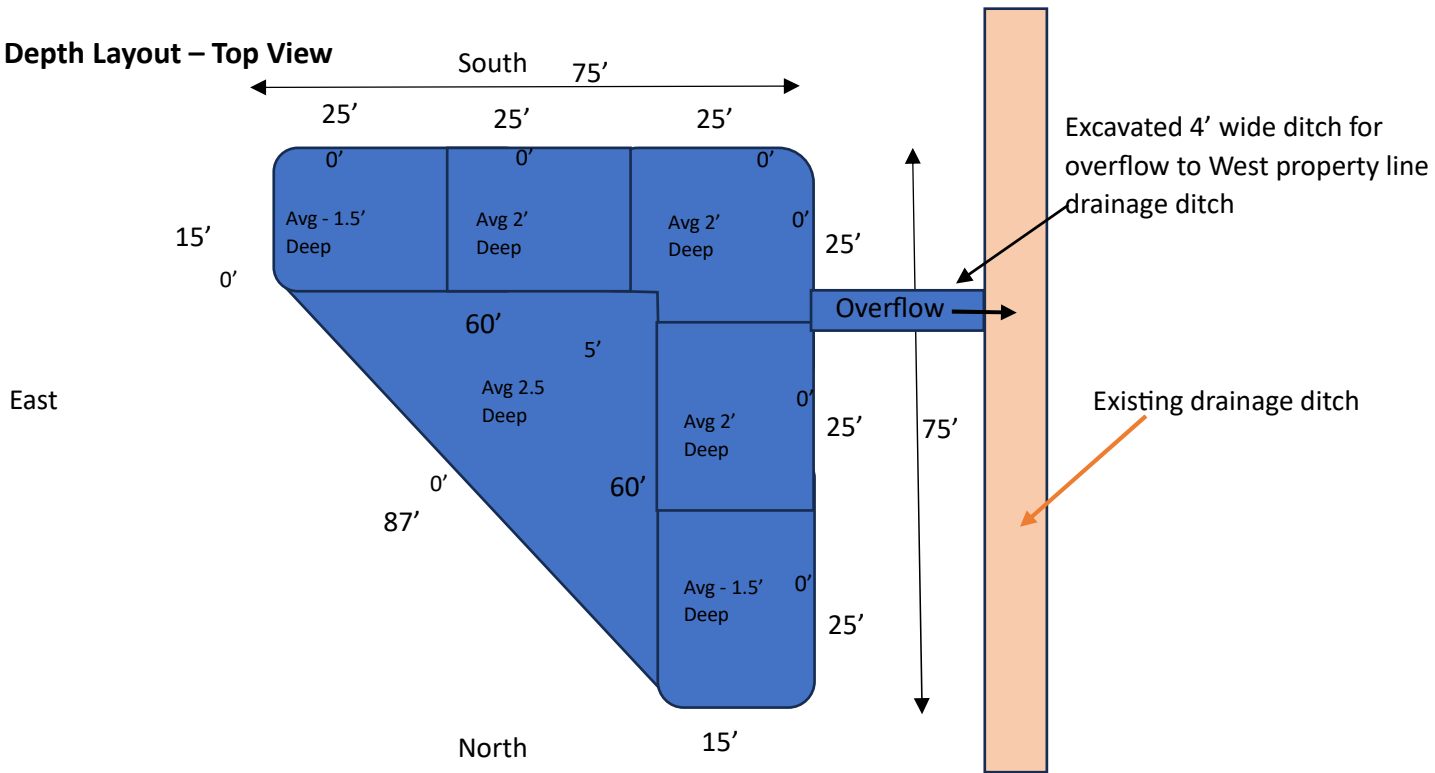
11-8-23



Site Topography:



Pond Depth Layout – Top View

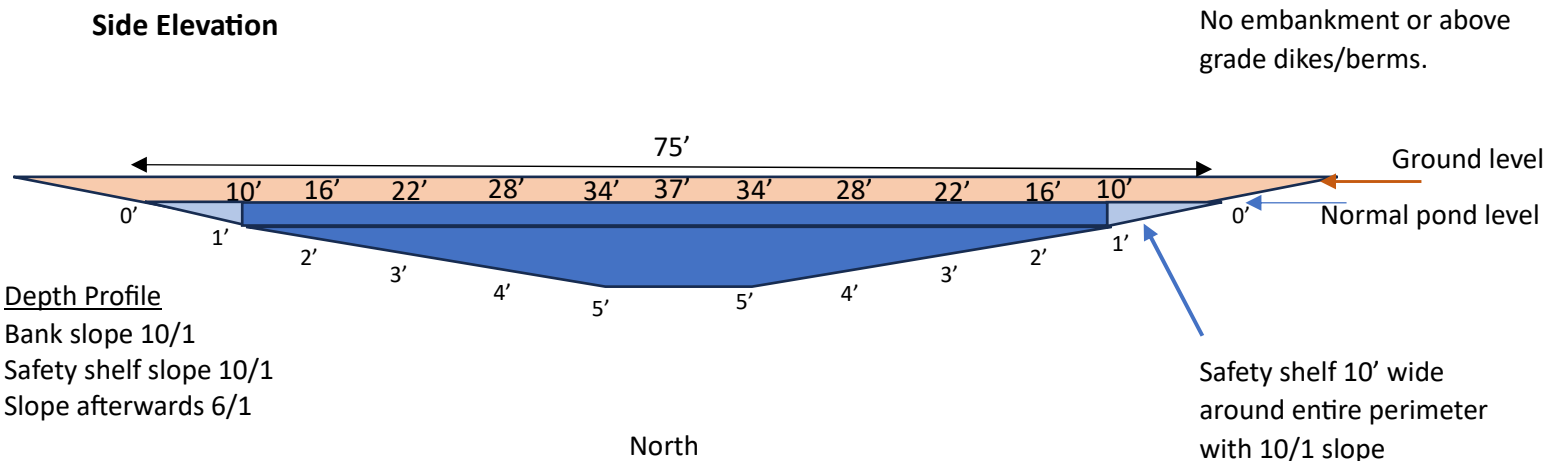


Volume Calculations (each section's depth is the average depth)

$$(15 \times 25 \times 1.5) + (15 \times 25 \times 2) + (15 \times 25 \times 2) + (15 \times 25 \times 2) + (15 \times 25 \times 1.5) + (60 \times 60 \times 2.5)/2 = 7,876 \text{ ft}^3 \text{ or } 292 \text{ yards}^3$$

$$\text{Area} = (75 \times 15) + (60 \times 15) + (60 \times 60)/2 = 3,825 \text{ ft}^2$$

Side Elevation



Depth Profile

Bank slope 10/1

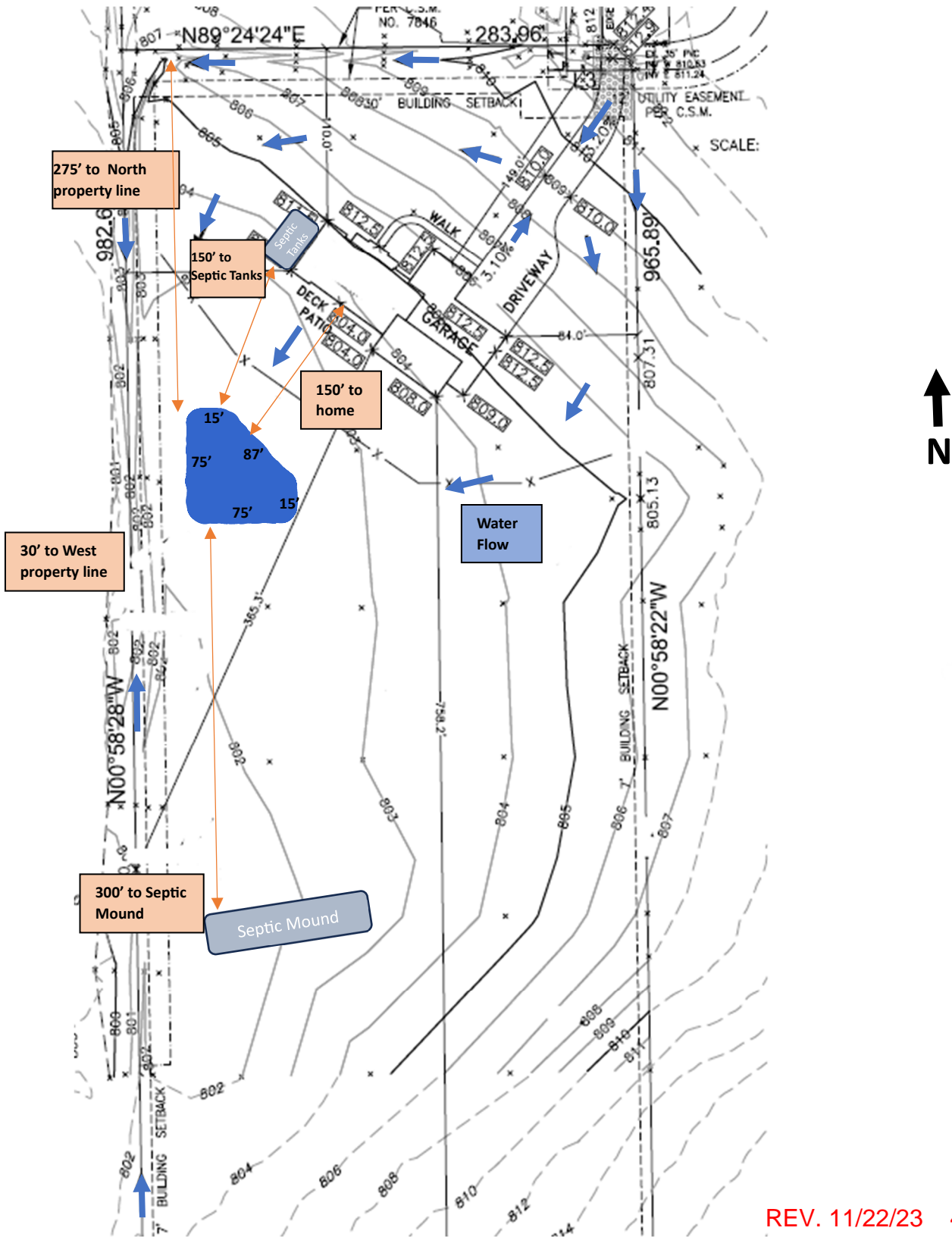
Safety shelf slope 10/1

Slope afterwards 6/1

Bank Materials & Construction:

Bank materials will consist of existing compacted earth/soil and vegetation. There will be no above grade embankment to allow storm water to run into collection pond. Pond overflow will be directed into ditch along West property line. Construction will be accomplished through use of skid steer. Erosion control will consist of silt fencing along perimeter of worksite. Water that may fill the pond during construction will be pumped from location to drainage ditch along west edge of property as needed.

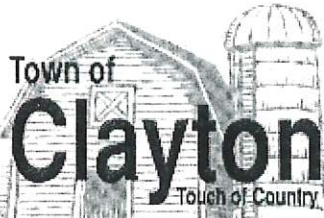
Site Plan



REV. 11/22/23 4

Operation and Maintenance:

Weekly perimeter and water quality checks, removal of debris and growth of unwanted vegetation. Embankment and perimeter will be kept in tact and mowed. Flow into pond will be monitored as well as pond level and biological growth. Sediment will be removed as needed. Excess water will be directed to drainage ditch by use of excavated trench. Will work with local pond contractor for annual maintenance.



CONDITIONAL USE APPLICATION

8348 County Road T, Larsen WI 54947
Phone - 920-836-2007 Fax - 920-836-2026
Email - clerk@townofclayton.net Web Page - www.townofclayton.net

Original Submittal with Cedar Markups

Property Owner(s): Brandon & Kelly Flees
Address/Zip: 8375 Whispering Meadows Drive, Larsen WI 54947
Phone: 715-213-5328 Fax: E-Mail: brandonflees@yahoo.com

Applicant: Brandon Flees
Check: Architect ___ Engineer ___ Surveyor ___ Attorney ___ Agent ___ Owner X
Address/City/Zip: 8375 Whispering Meadows Drive Larsen WI 54947
Phone: 715-213-5328 Fax: E-Mail: brandonfleese@yahoo.com

Describe the reason for the Conditional Use: Retention Pond to control and retain storm water

Conditional Use Specifics:

No. of Lots: 1 Total Acreage: 7.3 Tax Key No.: Parcel 00605660409
Legal Description:
Current Zoning: R2

I certify that the attached drawings are to the best of my knowledge complete and drawn in accordance with all Town of Clayton codes.

Applicant Signature: [Signature] Date:

For Town Use Only

Fee (see Town Fee Schedule)

Fee: \$300 - Check # 23048 Receipt 1.158 Date 11/13/23
Date Received Complete 11/13/23 By [Signature] CUP No.
Review Meetings - Plan Comm ___ Town Board ___
Newspaper Publication Dates ___ & ___ Posting Date ___
300' Neighborhood Notice Distribution ___
Conditional Use is: Approved ___ Denied ___
Comments ___

Notes: 1. Please notify utility companies regarding your proposed development. 2. A Conditional Use approval does not constitute approval of a building permit or any required approval of a highway connection permit. 3. A Conditional Use Application & Fee must be submitted 20 working days prior to meeting.

Conditional Use – Pond Request

8375 Whispering Meadows Drive, Larsen WI 54947

Purpose Statement:

The intended purpose of this pond is to direct and retain stormwater that is currently accumulating on along the West side of the property in order to avoid large pooling and potential damage to the home. Photos below are from the last three rainstorms.

10-14-23



10-24-23

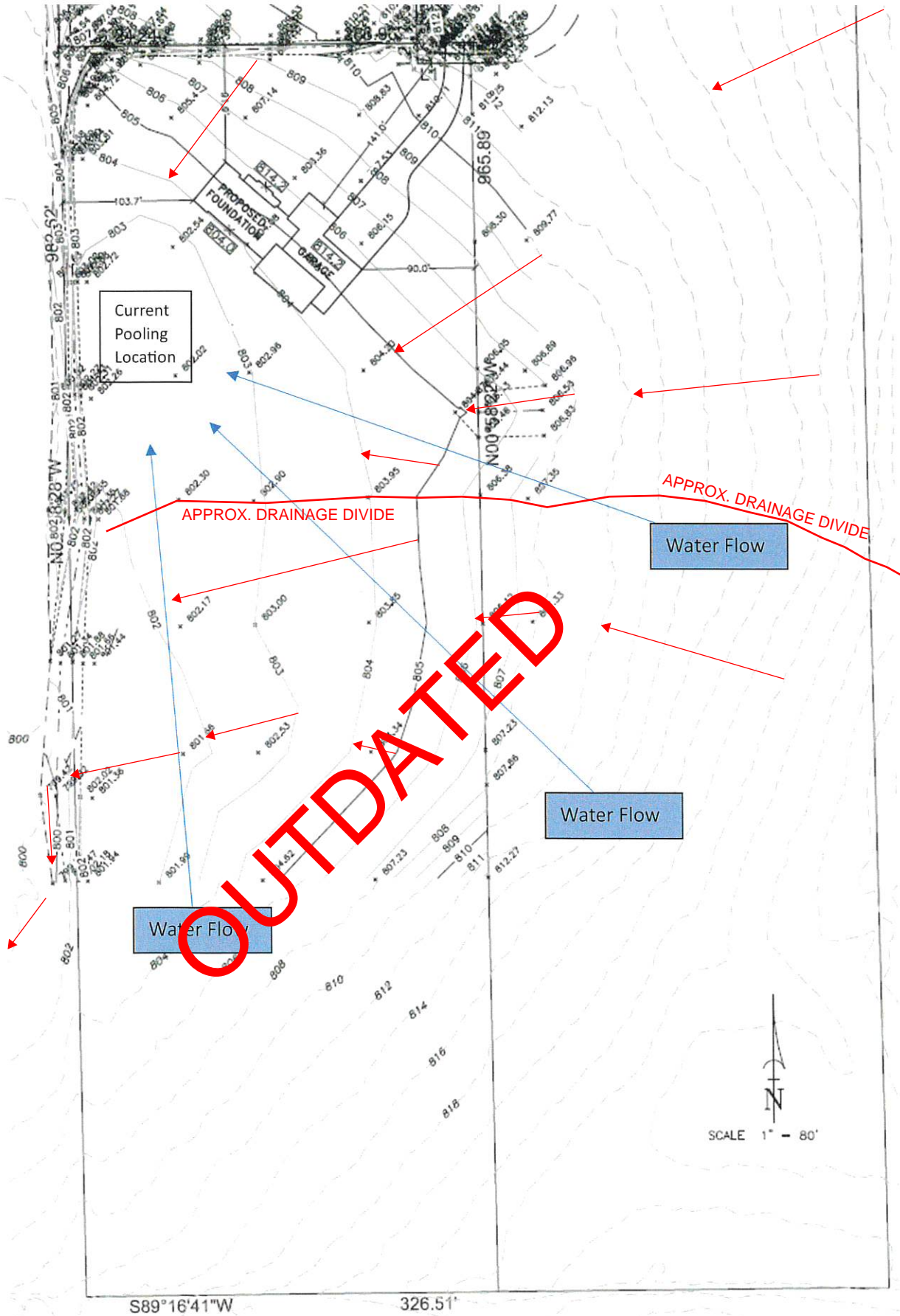


11-8-23



Site Topography:

APPROXIMATE FLOW DIRECTIONS

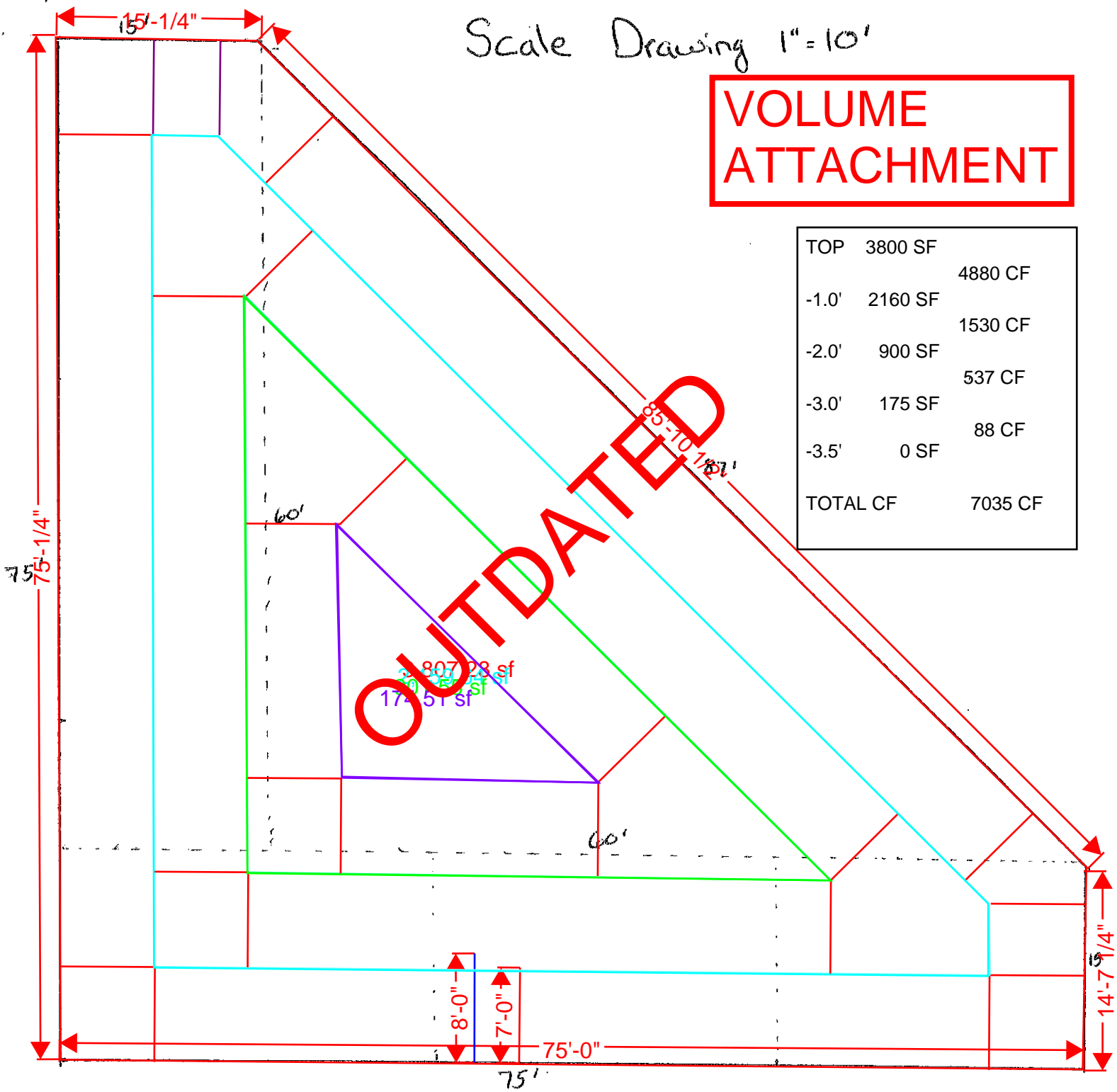


Scale Drawing 1"=10'

VOLUME ATTACHMENT

TOP	3800 SF	4880 CF
-1.0'	2160 SF	1530 CF
-2.0'	900 SF	537 CF
-3.0'	175 SF	88 CF
-3.5'	0 SF	
TOTAL CF		7035 CF

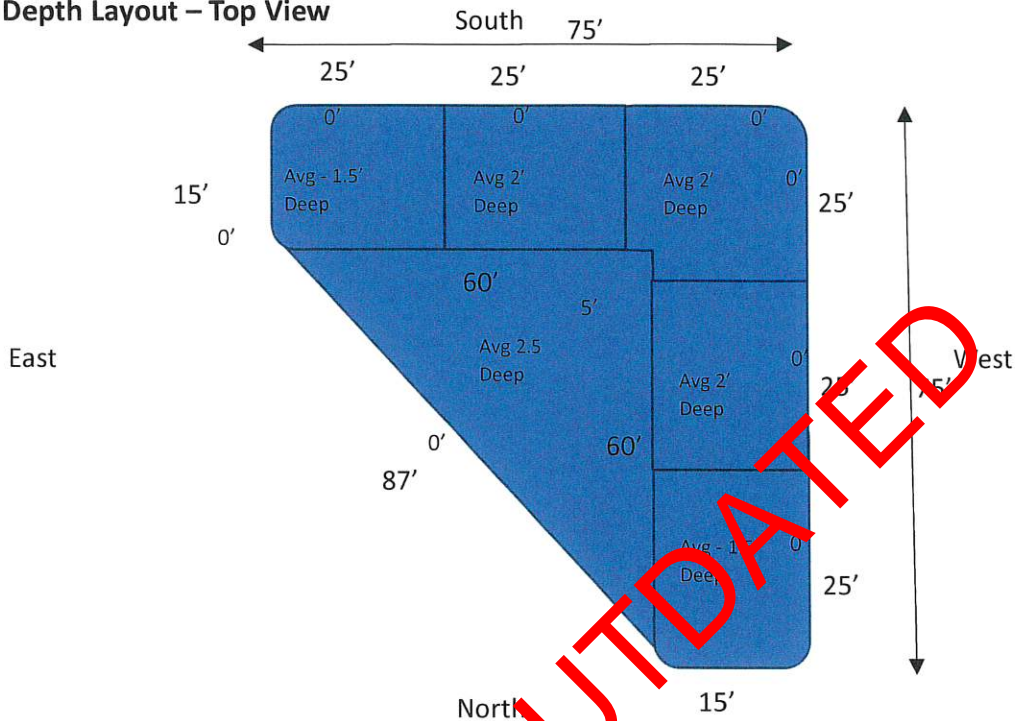
OUTDATED



$$\text{Area} = (75 \times 15) + (60 \times 15) + \frac{1}{2}(60 \times 60) = 3,825 \text{ ft}^2$$

$$\text{Volume} = 7,876 \text{ ft}^3 \text{ or } 292 \text{ Yards}^3$$

Pond Depth Layout – Top View



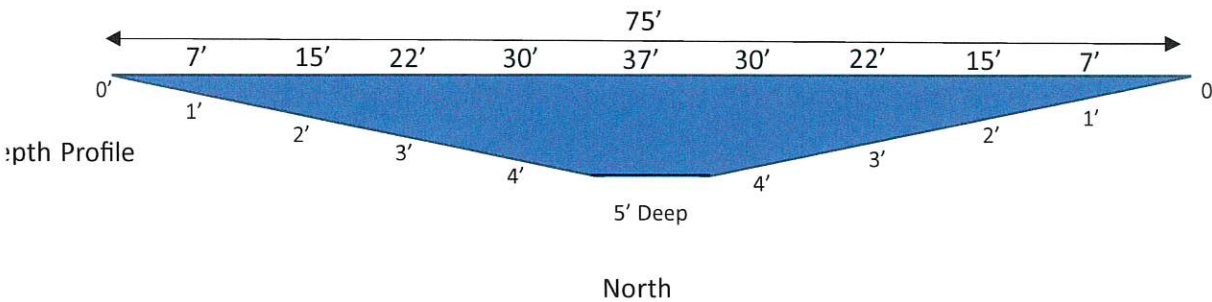
Volume Calculations (each section's depth is the average depth)

$$(15 \times 25 \times 1.5) + (15 \times 25 \times 2) + (15 \times 25 \times 2) + (15 \times 25 \times 2) + (15 \times 25 \times 1.5) + (60 \times 60 \times 2.5) / 2 = 7,876 \text{ ft}^3 \text{ or } 292 \text{ yards}^3$$

$$\text{Area} = (75 \times 15) + (60 \times 15) + (60 \times 60) / 2 = 3,825 \text{ ft}^2$$

Side Elevation

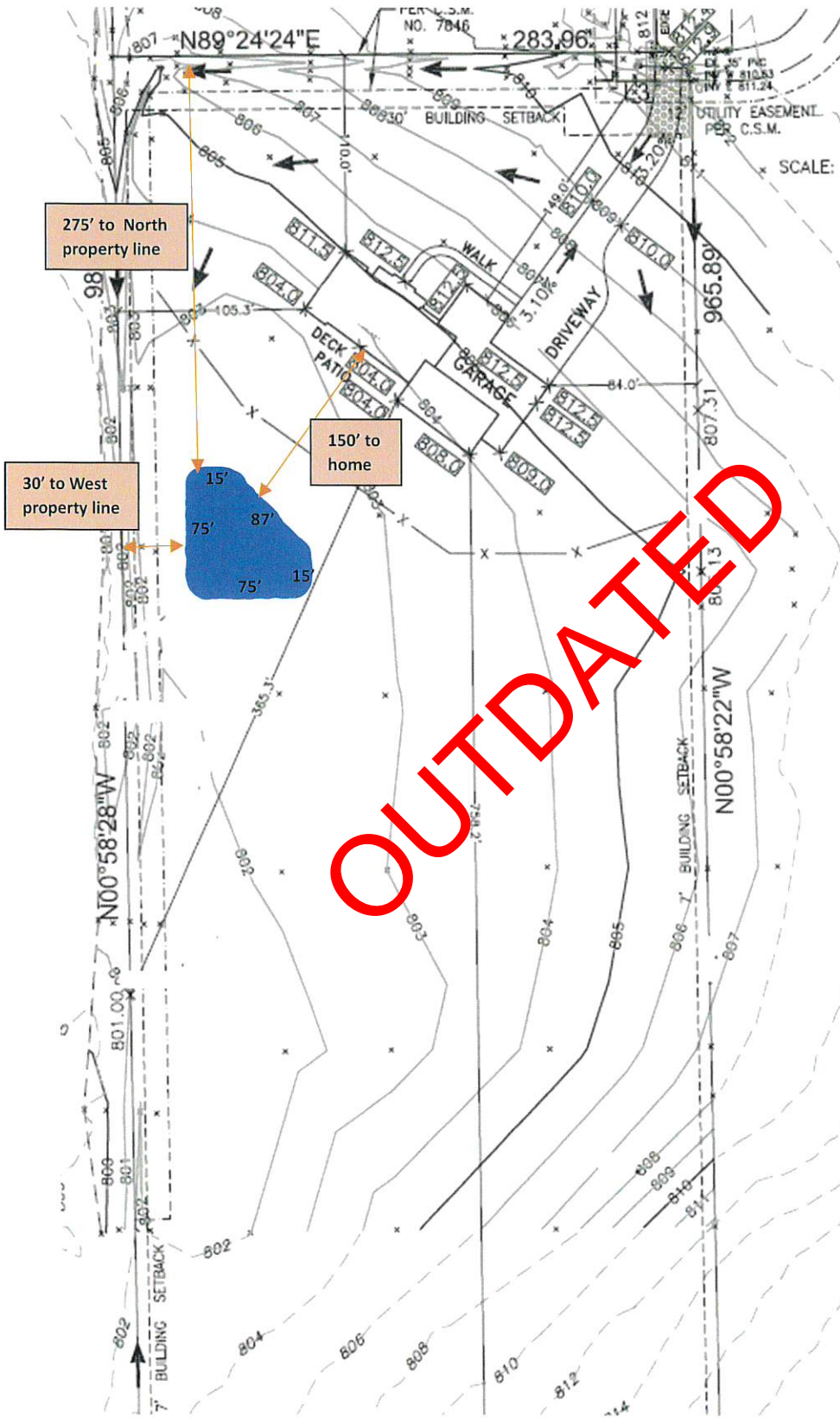
5' drop in elevation over 37.5' or 1' drop every ~8' to max depth of 5' in center



Embankment Materials & Construction:

Embankment materials will consist of existing earth/soil along with clear stone. Construction will be accomplished through use of skid steer. Water that may fill the pond during construction will be pumped from location to drainage ditch along west edge of property as needed.

Site Plan



Operation and Maintenance:

ORIG-6

Weekly perimeter and water quality checks, removal of debris and growth of unwanted vegetation. Embankment and perimeter will be kept in tact and mowed. Flow into pond will be monitored as well as pond level and biological growth. Sediment will be removed as needed. Excess water will be directed to drainage ditch. Will work with local pond contractor for annual maintenance.

Parcel Profile Report for 00605660409

Real Estate Property & Tax Information

[Interactive Map](#)

This tax information was compiled on THURSDAY, NOVEMBER 2, 2023

[More Details](#)

Mailing Address:

FLEES, BRANDON
FLEES, KELLY
3679 EMERALD CROWN PARKWAY
NEENAH WI 54956

Owner(s):

FLEES, BRANDON
FLEES, KELLY

Tax Parcel Number:

00605660409

Tax District:

006-TOWN OF CLAYTON

Acres:

7.34

School District:

3892-NEENAH JOINT SCHOOL DISTRICT

[Interactive Map](#)

Assessed Values

[More Assessment Details](#)

Land:

\$36,000

Improvements:

\$140,500

Total:

\$207,000

Sw/3 address(es):

8375 WHISPERING MEADOWS DR LARSEN WI 54947

Document Number:

1872722

Brief Property Description (for a complete legal description, see recorded document):

PT SE NW DESC AS LOT 21 OF CSM-7846 7.34 A.

Public Land Survey System (PLSS) Information

[Interactive Map](#)

Physical Location(s):

SE 1/4, NW 1/4 of Section 21, T.20N. - R.16E., TOWN OF CLAYTON

General Zoning Information

District:

R-2

Description:

SUBURBAN RESIDENTIAL
DISTRICT

Jurisdiction:

TOWN OF CLAYTON

[Interactive Map](#)

Extraterritorial:

NONE

Shoreland:

NONE

[Interactive Map](#)

Navigable Stream and Surface Water Drainage Information

[Interactive Map](#)

Classification:

NONE

Source:

Type:

Surface Water Drainage Dist:

NONE

Airport Zoning and Height Limitation Information

[Interactive Map](#)

Airport:

NONE

District(s):

Elevation Range:

802 - 824

Height Limitation(s):

NONE

Building Height:

County Floodplain and FEMA Special Flood Harazard Area (SFHA) Information

[Interactive Map](#)

County District:

NONE

SFHA Zone:

ZONE X

SFHA Zone Type:

OUTSIDE FLOODPLAIN

FIRM Panel:

55139C0100E

Map Effective Date:

MARCH 17, 2003

Letter of Map Change (LOMC) Type:

Documents:

Effective Date:

Wisconsin Wetland Inventory Information

[Interactive Map](#)

Area Code:

NONE

Area Description:

Source:



ORIG-7

Parcel Profile Report for 00605660409

ORIG-8



This report was created for use by the Winnebago County Geographic Information System project. Any other use/application of this information is the responsibility of the user and such use/application is at their own risk. Winnebago County disclaims all liability regarding fitness of the information for any use other than Winnebago County business.

Page 2 of 4
11/13/2023 7:56:06 AM

Parcel Profile Report for 00605660409

Future Land Use Planning Information

County Use: AGRICULTURAL AND RURAL	Municipal Planning Authority: TOWN OF CLAYTON	Municipal Use: AGRICULTURE/RURAL RESIDENTIAL
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Elevation Information (NAVD88, US Survey Feet)

[Interactive Map](#)

Range: 802 - 824	Elevation Change: 22	Average: 813
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Soil Survey Information

[Interactive Map](#)

Symbol:	Name:	Drainage Class:	Farmland Class:	Hydrologic Group:
CeB	Casco loam, 2 to 6 percent slopes	Somewhat excessively drained	III	B
CeC2	Casco loam, 6 to 12 percent slopes, eroded	Somewhat excessively drained	IV	B
FsB	Fox silt loam, 2 to 6 percent slopes	Well drained	II	B
FsC2	Fox silt loam, 6 to 12 percent slopes, eroded	Well drained	III	B
KyA	Korobago silt loam, 0 to 3 percent slopes	Somewhat poorly drained	II	C/D
MtA	Mosel silt loam, 0 to 3 percent slopes	Somewhat poorly drained	II	C/D
We	Wauseon silt loam	Very poorly drained	III	C/D

Election Information

Type: WINNEBAGO COUNTY BOARD OF SUPERVISORS	District: 36	Voting Ward: 8
Supervisor: HOWARD MILLER	Polling Place: CLAYTON MUNICIPAL BUILDING 8348 COUNTY RD. T	

2010 United States Census Bureau Information

State and County FIPS code(s): 55 139	Tract: 002300	Block: 1076	Total Population: 118
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Historical Photography Information

Flight Year:	File Name:
1941	AIW-2B-56-41.tif
1957	AIW-1T-133-57.tif
1975	2016-75.tif
1981	H-3-81.tif

Special Casing Area Requirements for Arsenic Information

[Casing Map](#)

Special well casing depth area for Winnebago County - effective October 1, 2004

[More Details](#)



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ORIG-9

Parcel Profile Report for 00605660409

ORIG-10



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Page 4 of 4
11/13/2023 7:56:06 AM

Conditional Use – Pond Request

8375 Whispering Meadows Drive, Larsen WI 54947

Revised Pond Documentation 11-16-2023

Purpose Statement:

The intended purpose of this pond is to direct and retain stormwater that is currently accumulating on along the West side of the property in order to avoid large pooling and potential damage to the home. Photos below are from the last three rainstorms.

10-14-23



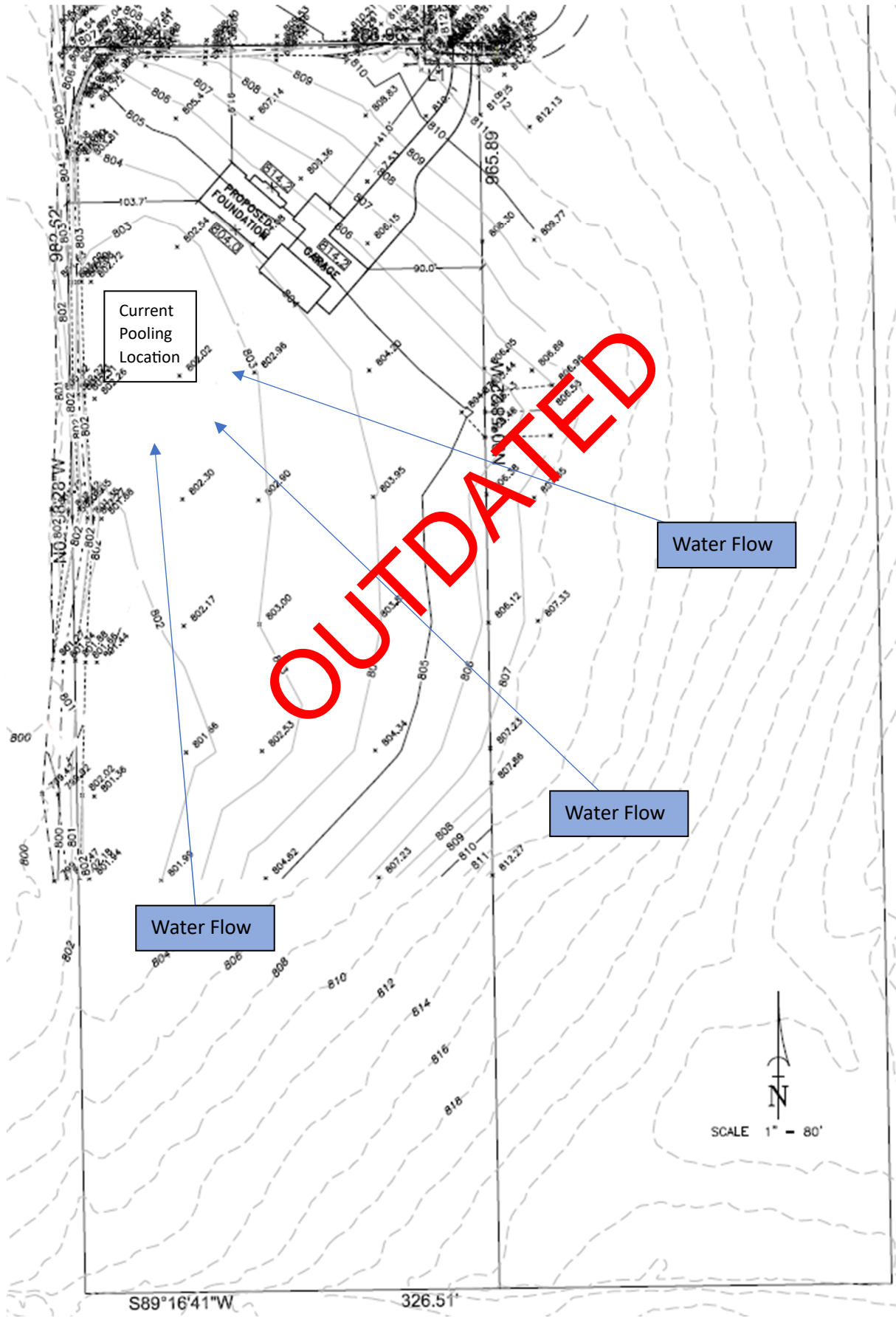
10-24-23



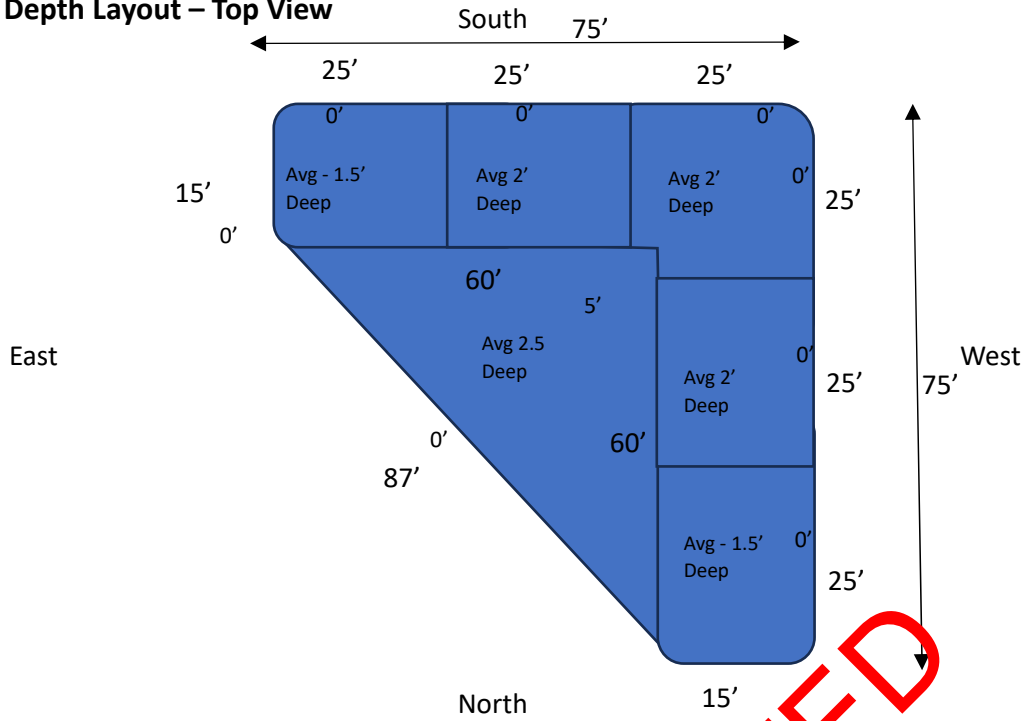
11-8-23



Site Topography:



Pond Depth Layout – Top View



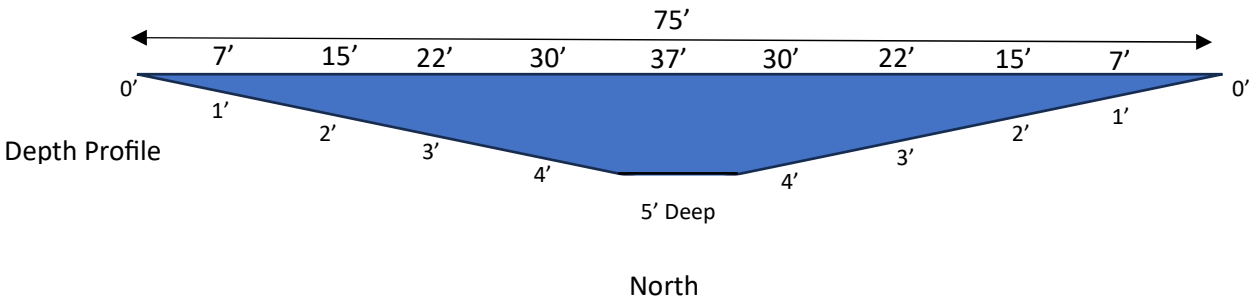
Volume Calculations (each section's depth is the average depth)

$$(15 \times 25 \times 1.5) + (15 \times 25 \times 2) + (15 \times 25 \times 2) + (15 \times 25 \times 2) + (15 \times 25 \times 1.5) + (60 \times 60 \times 2.5) / 2 = 7,876 \text{ ft}^3 \text{ or } 292 \text{ yards}^3$$

$$\text{Area} = (75 \times 15) + (60 \times 15) + (60 \times 60) / 2 = 3,825 \text{ ft}^2$$

Side Elevation

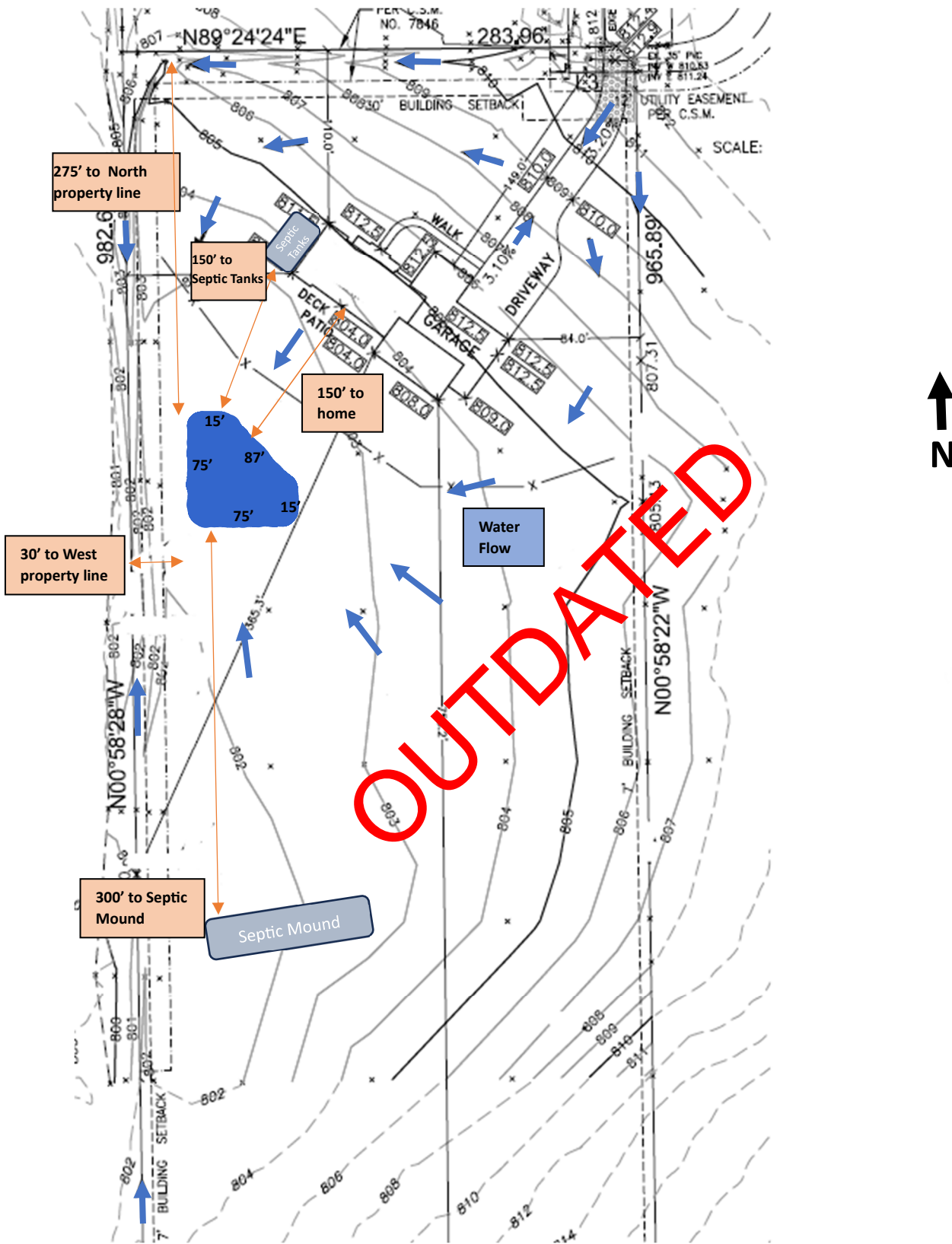
Slope of pond - 5' drop in elevation over 37.5' or 1' drop every ~8' to max depth of 5' in center



Bank Materials & Construction:

Bank materials will consist of existing earth/soil along with clear stone and vegetation. There will be no above grade embankment to allow storm water to run into collection pond. Construction will be accomplished through use of skid steer. Water that may fill the pond during construction will be pumped from location to drainage ditch along west edge of property as needed.

Site Plan



Operation and Maintenance:

Weekly perimeter and water quality checks, removal of debris and growth of unwanted vegetation. Embankment and perimeter will be kept in tact and mowed. Flow into pond will be monitored as well as pond level and biological growth. Sediment will be removed as needed. Excess water will be directed to drainage ditch. Will work with local pond contractor for annual maintenance.

TOWN OF CLAYTON ORDINANCE 2022-002

**AN ORDINANCE REPEALING ORDINANCE 2014-003 AND
RECREATING ORDINANCE 2022-002 ESTABLISHING
REQUIREMENTS FOR THE CREATION AND MAINTENANCE
OF ARTIFICIAL PONDS, DITCHES AND DIKES IN THE TOWN
OF CLAYTON**

WHEREAS, The Town Board For the Town of Clayton, County of Winnebago, State of Wisconsin, has Enacted a Town Ordinance Establishing Requirements for the Creation and Maintenance of Artificial Ponds, Ditches and Dikes in the Town of Clayton; and

WHEREAS, The Town Board For the Town of Clayton, County of Winnebago, State of Wisconsin, has enacted a Zoning Code of Ordinances for the Town of Clayton; and

WHEREAS, The Town Board for the Town of Clayton, County of Winnebago, State of Wisconsin, understands that the Town Ordinance Establishing Requirements for the Creation and Maintenance of Artificial Ponds, Ditches and Dikes in the Town of Clayton is in conflict with the Town's Zoning Code of Ordinances; and

WHEREAS, The Town Board for the Town of Clayton, County of Winnebago, State of Wisconsin, believes that any Ordinance adopted by the Town Board should not conflict with any other Ordinance adopted by the Town Board; and

WHEREAS, The Town Board for the Town of Clayton, County of Winnebago, State of Wisconsin, wishes to amend the Town's Ordinance Establishing Requirements for the Creation and Maintenance of Artificial Ponds, Ditches and Dikes in the Town of Clayton so as to eliminate any conflict with the Town's Zoning Code of Ordinances; and:

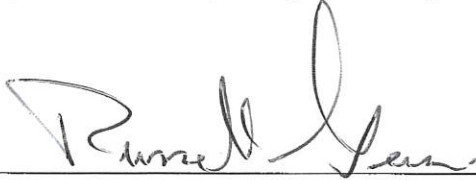
WHEREAS, The Town Board for the Town of Clayton, County of Winnebago, State of Wisconsin, has prepared Attachment A to this document amending the Town's Ordinance Establishing Requirements for the Creation and Maintenance of Artificial Ponds, Ditches and Dikes in the Town of Clayton so as to eliminate any conflict with the Town's Zoning Code of Ordinances; and

NOW, THEREFORE BE IT ORDAINED THAT, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin, does hereby rescind the Town's Ordinance establishing Requirements for the Creation and Maintenance of

Artificial Ponds, Ditches and Dikes in the Town of Clayton and does recreate the Town's Ordinance Establishing Requirements for the Creation and Maintenance of Artificial Ponds, Ditches and Dikes in the Town of Clayton as shown on Attachment A of this document.

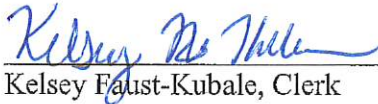
Vote: Yes: 5 No: 0

Adopted this 20th, day of April, 2022 by the Town Board of the Town of Clayton



Russell Geise, Chair

ATTEST:



Kelsey Faust-Kubale, Clerk

Attachment A to Ordinance 2022-002

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE CREATION AND MAINTENANCE OF ARTIFICIAL PONDS, DITCHES AND DIKES IN THE TOWN OF CLAYTON

Amended this 20th, day of April, 2022 by the Town Board of the Town of Clayton

SECTION 1. INTRODUCTION:

1. Authority:

This ordinance is adopted pursuant to authority conferred by Chapter 60, Wis. Stats.

SECTION 2. DEFINITIONS:

1. Artificial Pond:

An impoundment of water excavated by creating a depression in the ground that accumulates diffused surface water or groundwater or an impoundment of water created by diking banks on the ground that accumulates diffused surface water or groundwater. Artificial ponds shall not include any navigable lake, stream or impoundment under the jurisdiction of the Wisconsin Department of Natural Resources pursuant to Chapter 30, Wis. Stats.

2. Artificial Ditch:

A watercourse with a definite channel and banks created by excavating a ditch or diking banks. Artificial ditch shall not include any navigable lake, stream or impoundment under the jurisdiction of the Wisconsin Department of Natural Resources pursuant to Chapter 30, Wis. Stats.'

3. Artificial Dike:

A waterbody or watercourse created by constructing an embankment through some combination of excavating, dredging or depositing fill which results in the retention or detention of water.

4. Enlargement:

Any increases in the surface area or depth of an artificial pond, ditch or dike, or any extension or increase in the cross section of an artificial ditch or dike.

5. Maintenance:

Affirmative actions to maintain water quantity and quality including but not limited to algae control through chemical or mechanical means, removal of silt, aeration, bank stabilization, weed control and the like.

6. Garden Pond:

A manmade body of water with an area of less than 100 square feet of water not needed for stormwater management purposes.

SECTION 3. APPLICABILITY OF REGULATIONS:

1. This ordinance shall not apply to any pond, ditch or dike approved by the Town in connection with a required drainage plan and drainage improvements for a land division, subdivision, or site plan, or any pond, ditch or dike approved by any federal, state or county agency in connection with agricultural use.
2. Except as provided in subparagraph 1, no artificial pond, ditch or dike shall hereafter be created, enlarged or extended except in conformity with the regulations and requirements of this ordinance. Existing ponds shall not be subject to these regulations unless enlarged as defined in Section 2.
3. This ordinance shall not apply to Garden Ponds as defined in Section 2.

SECTION 4. GENERAL REQUIREMENTS:

1. Setbacks:

- a. No part of an artificial pond or dike, including the embankment for the retention of water, shall be created or enlarged within 25 feet of a property line or habitable building or within 50 feet of a public right-of-way or on-site sewage system.
- b. No part of an artificial pond or dike, including the embankment for the retention of water, with an embankment height of 36 inches or more above grade shall be created or enlarged within 50 feet of a property line or habitable building or on-site sewage system or within 50 feet of a public right-of-way.

2. Slopes:

No artificial pond or dike shall be created, enlarged or extended with bottom slopes greater than 3 to 1. The embankment side slope above to the water surface shall provide a 4 to 1 slope to the shelf of the pond.

3. Safety Shelf:

Ponds shall have a safety shelf based on the water surface area of the pond. Ponds from 1,000 square feet to 3,600 square feet shall have a minimum shelf of five feet not less than 12 inches below the ordinary high water mark. Ponds greater than 3,600 square feet shall have a minimum shelf of 10 feet not less than 12 inches below the ordinary high water mark.

4. Artificial Ponds or Dikes Over 10,000 Cubic Feet:

The creation or enlargement of any artificial pond or dike resulting in greater than 10,000 cubic feet of water capacity shall require plans prepared by a State of Wisconsin licensed civil engineer. The plans shall address seepage, liners, landscaping, subsidence, embankment strength, surface water drainage in the pool area, erosion control and be certified by the engineer.

5. Diversion of Water onto Adjacent Lands Prohibited:

No artificial pond, ditch or dike shall be created or maintained such that water is diverted onto or set back upon adjacent properties through seepage or overflow.

6. Landscaping:

The perimeter of any artificial pond or dike shall be landscaped and seeded within 30 days after completion of excavation, within the active growing season. The full cross section of any artificial ditch shall be seeded within 30 days after completion of excavation, within the active growing season.

7. Swimming:

Ponds used for swimming shall comply with the Town of Clayton Swimming Pool Ordinance.

8. Embankment:

All embankments must be constructed of quality earthen material that does not include deleterious material including, but not limited to, muck, stumps, debris, compost or other material that is structurally unsound and prone to failure. The applicant is encouraged to retain a geotechnical engineer to evaluate proposed embankment materials. The applicant is to research whether a Dam permit, as regulated by the Wisconsin Department of Natural Resources through Chapter NR 333 or State Statute Chapter 31, is required.

SECTION 5. ADMINISTRATION:

1. Permits:

No artificial pond, ditch or dike requiring a Condition Use Permit may hereafter be created, enlarged or extended without a permit obtained from the Town Board of the Town of Clayton. Winnebago County may also require a conditional use permit.

2. Permit Submittals:

Application for a permit shall be made in writing and shall include the following information.

- a. Name and address of property owner.
- b. A statement about the purpose of the artificial pond, ditch or dike.
- c. Site topography with one-foot contour intervals and the direction and flow of the surface water on the site.
- d. Cross sections of the pond, ditch or dike every 25 feet showing the embankment, channel and depth along with the estimated volume and flow of water in cubic feet per second for a 25 year return rainfall for a watercourse.
- e. Embankment materials and methods of construction including erosion and sedimentation control.

f. A site plan of the property drawn to scale showing the exact location, size and dimensions of the artificial pond, ditch or dike and the location of any buildings, right of way, easements (drainage, utility, access, etc.) and on-site sewage disposal systems on the subject property and adjacent properties with distances between the artificial pond, ditch or dike and right-of-way lines, property lines and buildings. For artificial ponds and dikes over 10,000 cubic feet, a certification by a State of Wisconsin civil engineer is required.

g. Determination of navigability for any watercourse or waterbody, and location of any wetland within 300 feet of the proposed pond, ditch or dike. For wetlands adjacent to the proposed construction area, a delineation is required.

h. Operation and Maintenance measures for water quantity and quality.

i. Received permits as needed from other County, State or Federal agencies or utility companies.

3. Permit Approvals:

The Town Board may approve, conditionally approve or deny a permit. The Town Board shall take action to approve, conditionally approve or deny the application within 60 days of submittal and shall state in writing any condition of approval or reasons for denial. No public notice or hearing is required but the Town Board action shall be taken in public session as part of a previously prepared agenda.

4. Permit Application Review Fee:

A permit application fee shall be paid for all ponds to the Town Clerk at the time of permit application submittal. A permit granted after work has begun will double the base permit (see the Fee Schedule for Permit costs).

5. Violations:

It shall be a violation of this ordinance to create, enlarge, or extend Any artificial pond, ditch or dike without a permit. It shall be a violation of this ordinance to maintain an artificial pond, ditch or dike such that water is diverted onto or set upon adjacent properties through seepage or overflow.

6. Remedies:

Compliance with the provisions of this ordinance may be enforced by appropriate fines and penalties or by suit by the Town.

7. Penalties:

Any person who violates any provision of this ordinance or any order issued hereunder shall, upon conviction, forfeit not more than two hundred dollars (\$200.00) together with the cost of prosecution. Each day that a violation exists shall constitute a separate offense.

8. Appeals:

Any person aggrieved by a decision of the Town Board may, within 30 days after the decision commence an action seeking the remedy available in Article 7 of the Town Zoning Code of Ordinances.

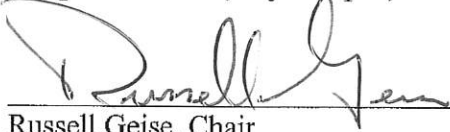
9. Severability:

It is declared to be the legislative intent that should any provision or part of this ordinance be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof, other than that so declared to be invalid.

10. Effective Date:


This ordinance shall be effective after adoption by the Town Board of Supervisors of the Town of Clayton and after publication.

Adopted this 20th, day of April, 2022 by the Town Board of the Town of Clayton



Russell Geise, Chair

ATTEST:



Kelsey Faust-Kubale, Clerk