

Quick Guide to Special Exception – Airport Pond Permit Application & Review Process

The process to obtain a Special Exception-Airport Permit for a Pond (Detention¹, Retention² or Other³) within 10,000 feet of Airport Operations Area in Outagamie County includes three (3) phases.

PHASE 1: Pre - Application Meeting

1. The applicant contacts [Zoning Administrator/Land Use Specialist](#) to schedule a meeting between the Applicant/Surveyor/Engineer and County Staff.
2. Meeting attendees discuss the proposed Special Exception - Airport pond conceptual site plan and design. County Staff provide feedback and an overview of land use policies, procedures, regulations and pond design guidelines⁴.
3. Following the meeting, County Staff will prepare and distribute a meeting summary which will include the applicant's next steps.

PHASE 2: Town/Village Acknowledgement

1. Applicant will need to ensure the Airport Zoning Acknowledgment Form is completed for submission to the County as part of the Special Exception Permit application.

PHASE 3: Special Exception - Airport Permit Application – Click [HERE](#) for FEE SCHEDULE

1. The Applicant/Surveyor/Engineer submits Special Exception - Airport Permit application via [CityView Web Portal](#). A COMPLETE application must include the following required documents:
 - Airport Zoning Acknowledgment Form (completed)
 - Site Plan (Survey Quality)
 - Scaled drawing, north arrow, legend
 - Lot lines
 - Road name(s)
 - Existing/Proposed buildings & structures
 - Tax Parcel Number
 - Type, Design & Description of Pond

- Project Narrative
 - General description of the proposed pond and how it will satisfy the requirements of the design guidelines⁴.
 1. Detention Ponds¹
 - Provide design/plan for implementing recommended plantings and maintenance of pond areas and upland areas.
 2. Retention Ponds²
 - Outline plan for one year of monitoring by a Qualified Airport Wildlife Biologist⁶.
 - If not monitoring, provide design/plan for implementing exclusionary devices (e.g., overhead grid⁵, Bird Balls™, netting, etc.)
 - Provide design/plan for implementing recommended plantings for upland areas around the pond.
 - Project Statement
 - Address the following criteria provided under Section 54-863 of the Outagamie County Code. Per [2017 Wisconsin Act 67](#), the statement shall provide substantial evidence as to how each of the criteria are or shall be satisfied:
 1. The establishment, maintenance or operation of the proposed special exception use or structure at the proposed location will not be detrimental or injurious to the use and enjoyment of existing uses on adjacent properties or properties in the vicinity.
2. COMPLETE applications are reviewed by staff and assigned a Zoning Committee meeting date per the [Zoning Committee Schedule](#). Zoning Committee generally meets the 2nd and 4th Tuesday of each month.
 3. Zoning Committee Action – Applicants/Surveyors/Engineers are notified of any Zoning Committee action pertaining to their Special Exception - Airport Permit Application.

¹ Detention Pond – Stormwater management ponds that hold storm water for short periods of time, a few hours to a few days (48 hours or less).

² Retention Pond – Stormwater management ponds that hold water for more than 48 hours.

³ Other – Artificially made waterbody.

⁴ See attached document: *Guidelines of Stormwater Management Facilities within 10,000' of Appleton International Airport (ATW) to Deter Wildlife Hazardous to Aviation*.

⁵ See attached document: *Permanent Overhead Grid System Guidelines to Deter Waterfowl from Ponds*

⁶ USDA-APHIS – Wildlife Services Contact: Charles “Chip” Lovell, CWB; PH: 920-392-9795, Email: Charles.d.lovell@aphis.usda.gov

Guidelines of Stormwater Management Facilities within 10,000' of Appleton International Airport (ATW) to Deter Wildlife Hazardous to Aviation^a

The following guidelines are developed to reduce the risk of wildlife hazardous to aviation (*i.e.*, large and/or flocking bird species reportedly struck by aircraft) striking aircraft using ATW.

Design Guidance for Stormwater Detention Basins which Drain within 48-hours of a Rain Event

- All stormwater detention ponds be designed to drain within 48-hours of a rain event, or constructed below ground and not accessible by birds. Monitoring for bird use will not be necessary if there is no standing water available for use by waterfowl and other birds hazardous to aviation.
- If the upland area around the ponds are vegetated, vegetation should be either native prairie plantings or endophyte-infected tall fescue. Mowing should be done no more than twice during the growing season and then only to control invasive and unwanted species.

Design Guidance for Stormwater Basins which Hold Water for more than 48-hours after a Rain Event

- It will be necessary to monitor stormwater management ponds which will hold water more than 48 hours after a rain event for bird use once pond construction is completed until one-year post construction (of the entire land-use project, not only the pond) by a Qualified Airport Wildlife Biologist, as defined by the FAA in Advisory Circular 150/5200-36A. Monitoring would begin immediately upon completion of the pond(s) construction and continue through construction of the entire land-use project and one year post-construction of the entire land-use project. Monitoring would consist of two morning and two evening observations per month during construction and post construction periods. A final report, of the observations, will be provided, including recommendations to alleviate any wildlife hazardous to aviation that may be present. USDA-Wildlife Services^b (WS) will review the recommendations from the report and either concur and/or provide additional recommendations.
 - In lieu of monitoring stormwater management ponds, ponds may be designed with exclusionary devices (e.g., overhead grid, Bird BallsTM, netting, etc.) and a perimeter fence to exclude waterfowl and other wading birds. Materials used to construct the exclusionary devices must have a long field life and will be functional and maintained in perpetuity. If at any time wildlife hazardous to aviation are observed at the moderate or severe level^c on the stormwater basin, methods will be implemented immediately to alleviate the hazard. WS may be consulted to provide recommendations to alleviate the hazard.
- If the upland area around the ponds are vegetated, vegetation should be either native prairie plantings or endophyte-infected tall fescue. Mowing should be done no more than twice during the growing season and then only to control invasive and unwanted species.
- Should hazardous birds be observed at the moderate or severe level^c during any monitoring period, WS will be consulted and will provide recommendations to alleviate the hazard. These recommendations will integrate the best knowledge and science available to reduce the wildlife hazard threat while considering costs to incorporate the recommendations.

- After the one-year post-construction monitoring, additional monitoring may be necessary and will be determined based on findings from the final report.
- If the wildlife hazard threat to aircraft is determined to be severe at any time after the pond(s) construction, recommendations by WS will need to be implemented immediately (within 24 hours). These implemented methods and any recommended from the initial or annual monitoring reports would need to be implemented and kept operational, in perpetuity, to ensure wildlife hazardous to aviation are not using this site.
- In addition to monitoring, an FAA Qualified Airport Wildlife Biologist will conduct weekly waterfowl nest surveys each spring (April 15 – May 30). If a waterfowl nest is located, the property owner/manager will apply for the necessary State and/or Federal Permits within two days of notification that a nest has been located on the property. Nest/eggs will be removed within two days of permit issuance. If a permit is already in place for the property and species, nest and eggs will be removed within two days of discovery. Any permit fees will be paid for by the property owner/manager.

If needed, the Outagamie County Development and Land Services Department can provide a list of individuals who meet the FAA Qualified Airport Wildlife Biologist guidelines.

^a A Qualified Airport Wildlife Biologist is trained to identify which wildlife species are hazardous to aviation. However, the FAA defines hazardous birds in AC 150/5200-33B: “Species of wildlife (birds, mammals, reptiles), including feral animals and domesticated animals not under control, that are associated with aircraft strike problems, are capable of causing structural damage to airport facilities, or act as attractants to other wildlife that pose a strike hazard.”

^b In a Memorandum of Understanding with the FAA, WS is acknowledged to have the expertise to provide technical and operational assistance needed to reduce wildlife hazards to aviation on and near airports.

^c **Wildlife Hazard Level Based On Presence of Large and/or Flocking Bird Species:**

Low – no or infrequent use by wildlife hazardous to aviation.

Moderate – wildlife hazardous to aviation use is regular, but presence is limited to a few birds. A moderate number (<50, during a single observation) of wildlife which typically are not hazardous to aviation.

Severe – frequent use by wildlife hazardous to aviation, even in low numbers. A large number (>10) of wildlife hazardous to aviation, during any single observation. A large number (>50) of wildlife which typically are not hazardous to aviation, during any single observation.

Permanent Overhead Grid System Guidelines to Deter Waterfowl from Ponds

Bodies of water are an attractant for waterfowl, wading birds, and other wildlife which may be hazardous to aviation. These bodies of water are used for feeding, drinking, and loafing. Excluding the birds' access to these areas with an overhead grid (Figure 1) is an effective management method when erected properly. Overhead grid systems composed of sturdy posts and line have been used successfully to deny waterfowl, particularly Canada Geese, access to small ponds. Several grid types can be used depending on the duration of exclusion needed, costs associated with materials, and maintenance necessary to keep the grid functional. A permanent overhead grid should include posts strong enough to suspend the overhead grid lines the needed span across the pond without those lines sagging into the water. Supports can also be placed within the pond to increase the span, if necessary. The grid lines can be made up of Kevlar line, steel cable, or another material which will have a high tensile strength, minimal stretch, require low maintenance, and hold up to the variety of weather conditions typical in Wisconsin. Fishing line (i.e., monofilament, fluorocarbon, braided, etc.) should not be used for a permanent grid due to their short life span. In addition to the overhead lines, a permanent fence should be erected around the perimeter of the pond up to the height where the overhead grid lines are anchored.

For initial installation, a 20-foot post/line spacing is recommended to start. If this spacing proves ineffective to deter wildlife hazardous to aviation (typically determined through surveys and a monitoring plan), a 10-foot grid spacing may be achieved by installing posts/lines mid-way between the existing posts/lines. Posts should be securely installed on land. The grid can be installed up to several feet above the water surface to permit access to the pond; however, grids are most effective if installed approximately 2-3 feet above the surface (or high water mark for fluctuating water levels). Effectiveness is also enhanced by installing bright reflective objects on the line at scattered locations (e.g., mylar tape). Posts must be well anchored to keep lines taut and each permanent line should be equipped with a device (i.e., turnbuckle or eye bolt) to take up any slack that may occur over time.

Because waterfowl, wading birds, and other wildlife hazardous to aviation may learn to alight on adjacent land areas and walk in underneath the grid system, perimeter fencing is necessary. Similar to the overhead grid wires, fencing should be constructed using materials which have a long life and low maintenance. The perimeter fencing should be installed tight to the ground so there are no gaps and up to the overhead grid wire height. Spacing of the mesh of the fence should be no larger than 3" x 3".

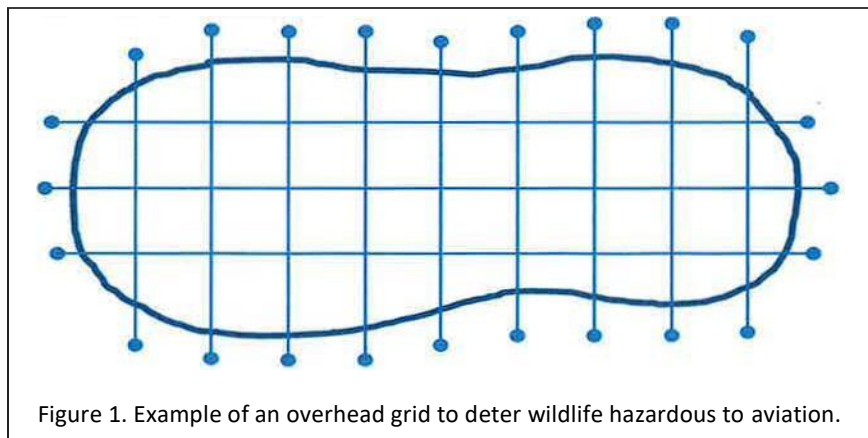


Figure 1. Example of an overhead grid to deter wildlife hazardous to aviation.