

**Walworth County Land Conservation Committee  
And Farmland Preservation Plan Revision Public Hearing**

MINUTES

Monday, April 25, 2011 at 1:00 p.m.

Walworth County Board Room 114  
Elkhorn, WI 53121

---

The public hearing/meeting was called to order by LCC Chair Kilkenny at 1:00 p.m.

Roll call - Committee members present included: Supervisors Kilkenny, Hawkins, Grant, Citizen Member Burwell, and USDA/FSA Representative Sue Bellman A quorum was declared.

County staff present – David Bretl, County Administrator; Michael Cotter, Director of Land Use & Resource Management (LURM); Louise Olson, Deputy Director, LURM; Fay Amerson, Urban Manager, LURM; Neal Frauenfelder, Sr. Planner, LURM; Matt Weidensee, Associate Planner; and Joeann Douglas, Recording Secretary.

Also in attendance – Nancy Russell, Walworth County Board Chair; Carl Redenius, Supervisor; Rich Brandl, Supervisor, Joshua Clements, UW Extension; Donald Bub; Doug Snyder; Dave Held; Attorney Steven Harvey, representing Bloomfield township; Doug Mushel, Bloomfield Engineer.

Farmland Preservation Plan Revision Public Hearing – LURM Staff gave background information. The initial Walworth County Farmland Preservation Plan (FPP) was adopted in 1978. In 2009 legislation was approved (Ch 91) to modernize the Wisconsin FPP. The requirements were: 1.) Walworth County must update/adopt their FPP plan by December 31, 2011; 2.) The FPP must be consistent with the Walworth County Comprehensive Land Use Plan or Smart growth Plan; 3.) The FPP must be consistent with the latest Walworth County Land and Water Resource Management Plan. It was decided prime agricultural land definition would continue to be based on Class I, II, and III soils and parcel size would remain at 35 acres. Public comments followed:

Attorney Steven Harvey, Wassel, Harvey, and Schuk representing the town of Bloomfield and Doug Mushel, Bloomfield Engineer, gave a description of property Bloomfield wanted removed from Farmland Preservation status of approximately 660 acres including Ivanhoe subdivision expansion, acreage with finalized plat and plan to extend that finalized plat area; a preliminary plat area; future residential areas on proposed Village of Bloomfield master plan; land zoned A-1, already developed, and not being farmed (approximately 260 acres); and small parcels.

Nancy Russell, Walworth County Board Chair said she would endorse the plan with suggestions regarding a portion of Section 7, Policy Considerations, *“Should the Farmland Preservation Plan recommend further consideration of the following uses currently permitted as a conditional use in an A-1 District within an agricultural zoning district?”* Chair Russell said the ● Bottling of Spring Water, ● Schools and Churches, and ● Flea Markets were previously excluded as part the Farm Family Business principal uses in the Farmland Preservation Plan, and will remain as conditional uses. Chair Russell then suggested also removing ● Production of animal and marine fat and oils and ● contractor’s storage yards from principal uses and have them remain as conditional uses.

Donald Bub, W3319 Potter Rd, Elkhorn, WI – questioned whether Contractor Storage Yards are currently a principal use in an A-1 zoning district. Matthew Weidensee said the only way a contractor storage yard is allowed is, if it is considered a farm family business in an existing farm structure. If there was an existing barn in an A-1 zoning district, the owner could apply for a conditional use as a farm family business. If the barn was not being used for agriculture, the property owner would be allowed to apply for

a conditional use to use the barn for a farm family business for the uses listed in the A-4 zoned district, even though the land is zoned A-1.

**Supervisors Grant and Hawkins moved and seconded to close the public hearing portion of the meeting. Motion carried 5-0.**

Approval of the Agenda – **Supervisors Hawkins and Grant moved and seconded approval of the balance of the agenda.** Citizen Member Burwell added correspondence she wanted included in the agenda to be discussed during Public Comment. **Motion carried 5-0**

Approval of the Minutes – **Supervisor Grant and Citizen Member Burwell moved and seconded approval of the March 14, 2011 LCC meeting minutes. Motion carried 5-0.**

Public Comment – Citizen Member Burwell drafted a letter to the Joint Committee on Finance, regarding the importance of educational programs, Conservation Easements and other conservation measures. She urged others to contact their representatives using portions of her letter as a template. The letter from Dorothy Burwell was dated April 25, 2011 and addressed to Senator Alberta Darling and Rep. Robin Vos.

Doug Snyder, Consulting Engineer, Baxter and Woodman – said their firm does water supply studies for several municipalities in Walworth County. He was not speaking for any one of them. He said overall, he felt the Regional Water Supply Plan was a very good plan. He suggested Walworth County use it only as a guide to water supply and storage issues. He suggested the county allow for in-depth Engineering studies for the individual municipalities at the location and the time that those municipalities look for a water supply. He did not feel the amount of engineering (of the plan) was sufficient to dictate what facilities would be done for communities.

Nancy Russell, Walworth County Board Chair – said she is on the SEWRPC Board and when the board passed the plan there were 2 or 3 votes against it, but those were conditional that the plan was recommending the water was being returned to Lake Michigan from Waukesha County by way of a river flow. Those people who voted against it said they would have voted for it if it was piped back to Lake Michigan. The plan is all advisory. Any municipality can enact any kind of water supply plan their constituency votes for if they feel it's in their best interests. As far as Walworth County is concerned, after having read the plan and all comments, she feels it's in Walworth County's best interest to adopt it. If Waukesha County takes water from the deep aquifer, which affects our deep aquifer, it is being depleted at approximately 5 feet per year. The result of that is some of the water being taken from the deep aquifer is contaminated material like radium. To make the water safe enough, water is being mixed from deep aquifer wells with shallow aquifer wells. Equipment is also being purchased in Waukesha County to treat radium. Much of the area has Maquoteka Shale beneath it where it takes hundreds of years to replenish the aquifer. It is in Walworth County's best interest to not have the deep aquifer depleted any more than it has been since water has no consideration for county lines.

Doug Snyder, Baxter and Woodman – In addition to that, several communities in Walworth County do not have shallow aquifers available to them within their corporate boundaries. Right now, the only option available to them is to use the groundwater in the Maquoteka Shale. Allowing them the engineering to be done so that these communities do have the water supply is necessary. In Walworth County area, much of the aquifer is in sandstone losing less than 1 foot per year. This is depleting much less than Waukesha County.

Model Resolution for Endorsement of the Regional Water Supply Plan for Southeastern Wisconsin: 2035  
- Michael Cotter. After discussion, **Citizen Member Burwell and Supervisor Grant moved and seconded approval of the resolution endorsing the Regional Water Supply Plan for Southeastern Wisconsin: 2035 with special emphasis on the Walworth County portion of the plan. Motion carried 5-0.**

Amendment to the Regional Water Quality Management Plan for an Addition to the City of Elkhorn Sanitary Sewer Service Area. – Neal Frauenfelder explained our advisory role. Chair Kilkenny reminded the committee that it was important to be consistent with our Land Use and Park and Open Space plans. Dorothy Burwell asked if the 149 acres to be added was large because it was for water purposes and they did not know where the water was located at this point. Doug Snyder, project engineer, said the goal was to drill 3 municipal wells and before that is done to make sure they can get sewer service to that area. Dorothy Burwell asked if the land was in a deep aquifer or a shallow aquifer. Doug Snyder said it was a deep aquifer which was the only thing available to them. **Chair Kilkenny and supervisor Hawkins moved and seconded to deny our recommendation Based on the County Land Use Plan, the Town of Lafayette’s Land Use Plan and the Park and Open Space for Walworth County.** Discussion followed regarding the need to balance the need for water, including the city’s plan for annexing the 149 acres into the city. **Motion carried 5-0. Michael Cotter will draft a resolution.**

SEWRPC Amendment to Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin Regions –A sample resolution was included in the packet which is consistent with our Land Use Plan.. Fay Amerson explained the 8 new natural areas and 16 critical species habitat areas in Walworth County as well as the addition of Hackmatack Wildlife Area in Linn and Bloomfield townships. **Citizen Member Burwell and Supervisor Grant moved and seconded to recommend to the Walworth County Board to approve the resolution amending the Regional Natural Areas and Critical Species Habitat Protection and Management Plan for southeastern Wisconsin. Motion carried 5-0.**

Next Meeting Date – Monday, May 16, 2011 at 1:30 p.m.

Adjournment – **On motion and second by Supervisor Grant and Citizen Member Burwell, Chair Kilkenny adjourned the meeting at 2:04 p.m. Motion carried 5-0.**

---

---

Submitted by Joeann Douglas, Recording Secretary. Minutes are not considered final until approved by the committee at the next regularly scheduled meeting.