

Walworth County Land Conservation Committee

MINUTES

Monday, February 14, 2011 at 1:30 p.m.

Walworth County Board Room 114
Elkhorn, WI 53121

The meeting was called to order by LCC vice Chair Grant at 1:30 p.m.

Roll call - Committee members present included: Supervisors Hawkins, Grant, Citizen Member Burwell; USDA/FSA Representative Sue Bellman was absent, excused. A quorum was declared. Chair Kilkenny arrived at 1:38 p.m.

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, LURM; Deb Grube, Sr. Zoning Officer; and Joeann Douglas, Recording Secretary.

Also in attendance – Nancy Russell, Walworth County Board Chair; Greg Igl, USDA/NRCS; Duane Clark, LaGrange Township.

Approval of the Agenda – **Supervisor Hawkins and Citizen Member Burwell moved and seconded approval of the agenda. Motion carried 3-0.**

Approval of the Minutes – **Citizen Member Burwell and Supervisor Hawkins moved and seconded approval of the December 20, 2010 LCC meeting minutes with one correction. In the WLWCA Conference Report ...comprehensive well testing; which passed by a narrow margin. Motion carried 3-0.**

Public Comment – Nancy Russell suggested the list of businesses being considered as agricultural related uses being placed in the Farmland Preservation Plan be looked at again to see if we really want to have some of these uses in agricultural districts - for instance, sewage disposal plants, airports, airstrips, flea markets. Deb Grube said the LCC was looking at **should** they open it up for addressing further possibilities for principal uses in that (A-1 zoning) district. The LCC went on record as suggesting to the County Zoning Agency to look into it further. It was not taking a position “for” or “against” any of the uses listed. Michael Cotter added that there were some uses the committee did want to remove from the list: bottling of spring water, schools, churches, and flea markets. The only listed item the CZA acted on was a pending conditional use for a farm food service (restaurant) at the request of Spring Prairie Township. Ms Grube said the CZA was waiting for the Farmland Preservation Plan to be approved and would then move forward on the balance of the items on the list.

The meeting was recessed at 1:36 p.m. Chair Kilkenny reconvened the meeting at 1:38 p.m.

Potters Lake Rehabilitation District Representative nomination of Roy Lightfield – **Supervisor Hawkins and Citizen Member Burwell moved and seconded to approve the nomination of Roy Lightfield and send it to the County Board for approval. Motion carried 4-0**

Response from Keith Foye, DATCP Regarding Walworth County Adopting an Additional Farmland Preservation Zoning District for Non-Metallic Mining in Agricultural Preservation Areas - A copy of the DATCP response is on file. Deb Grube indicated that based on the LCC recommendation and the letter from Keith Foye, she developed a draft zoning amendment of what an A-1m district might look like. A

copy is on file. Nancy Russell said she still recommends this amendment since it would be a much cleaner way to assure land is returned to useable farmland. **Supervisors Hawkins and Grant moved and seconded to amend the Farmland Preservation Plan and add the A-1m zoning district. Motion carried 4-0** Discussion followed. Ms Olson said if we don't change the zoning ordinance there will be a conversion fee. Neal Frauenfelder read portions Ch 9 and 10 for clarification as to where it could be added, and added the Comp Plan map would not have to be amended. Chair Kilkenny suggested Michael Cotter review more closely what would be the ramifications of changing the ordinance without changing the Land Use Plan. Mr. Cotter felt there does not appear to be a problem with moving forward to have an amendment to the zoning code now. **Supervisor Grant and Hawkins made a motion to refer the addition of an A-1m zoning district to the CZA for review of the ordinances for conflicts. Motion carried 4-0.** Discussion followed. Neal Frauenfelder said a majority of the towns would have to approve the text amendment to the Zoning Ordinance. He did not think there would be a problem. Chair Kilkenny suggested sending information to the towns. Michael Cotter added that this is a very complicated issue and it may be better to wait until the entire Farmland Preservation Plan is ready to go before the towns with the decision points and any rezone amendments that would go before the towns. Chair Kilkenny added that any new gravel pits/expansions that come in before the change would be following the current ordinance. Fay Amerson said there are 7 policy considerations; some of them do have recommendations to zoning code amendments for implementation of the Farmland Preservation Plan. Ms. Grube will be taking a small packet of zoning amendments regarding sub-standard lots, rezoning of A-1 to the CZA to comply by December 2012. Ms. Amerson reminded that we still have to get the Farmland Preservation Plan passed. Nancy Russell said the A-1m Zoning District is the answer since land would not be taken out of A-1 for other uses, and it gives the towns the power to veto the zoning.

Draft Farmland Preservation Plan Public Hearing Dates - Louise Olson said we are basically on schedule. The final draft for the Public Hearing will be April/May and April/June 2011. **Supervisor Hawkins and Citizen Member Burwell made a motion to hold the Public Hearing on April 25, 2011 at 1:00 p.m. in the County Boardroom prior to the LCC Meeting at 1:30 p.m. Motion carried 4-0.**

SEWRPC Planning Report No. 52, "A Regional Water Supply Plan for Southeastern Wisconsin" transmittal letter and model resolution to endorse the Plan. Referred from County Board. – Michael Cotter gave background information. SEWRPC approached Walworth County about partnering with the Regional Planning Commission on doing an area water study. The county paid \$17,000/year for 3 years. The data is scientific and 800/900 pages long. SEWRPC wants the county to adopt the plan. The impacts to Walworth County are quite basic. Matt Weidensee explained that the groundwater table has been dropping over time as people put wells in. On the eastern edge of the county the groundwater table has dropped 200 feet since pre-development time. The majority of the problem stems from the cone of depression from Milwaukee/Chicago/ Waukesha. As deep water wells are being put in, the flow patterns have been changing and no longer going back into Lake Michigan. The deep water aquifer takes thousands of years to replenish; the shallow aquifers recharge in a matter of a year. In the study it estimates that 25% of the water that soaks into the aquifer is used up by Ozaukee, Washington, Waukesha and Walworth Counties, with 75% going back into the shallow aquifer. SEWRPC recommends the area around Elkhorn/Delavan switch to shallow aquifers as new wells are constructed to help Waukesha County not run out of water. As this pertains to the LCC, the plan identifies different infiltration areas within Walworth County which are 5 municipal well locations. They recommend new planning elements for new high capacity wells and determine whether those wells are going to cause impacts on adjacent surface waters and impacts on neighboring wells. If they do, there is a mitigation process. They recommend to the Conservation Committee consider the benefits of no-till for groundwater recharge as they update the Walworth County Land and Water Conservation Plan and the Water Supply Plan

recommend that the Conservation Committee partner with utilities to pursue cost share funding. In the report, 76% of the high rated and very high rated recharge areas are preserved currently in the 2035 Land Use Plan. The new Land Use Plan could protect the other 24%. Walworth County is extremely dependent of groundwater and all the recommendations SEWRPC is making in the plan are to assure that we don't damage the groundwater table. The plan recommends that the Utility Companies do the detailed studies to see if it damages streams and neighboring wells. The plan suggests using it as a guide in making decisions, but it is not the law. Michael Cotter reminded the committee that endorsing the plan may trigger a question brought up by the media regarding Waukesha County removing water from Lake Michigan. Chair Kilkenny suggested putting language in the endorsing resolution that deal with Walworth County concerns. The question came up regarding dumping of raw sewage into Lake Michigan. Waukesha's return flow standard would allow treated water to be clean enough to drink. Nancy Russell who was on the SEWRPC Board of Commissioners said the plan was a water plan and did not address sewage. There is no force of law behind the plan. The things that are good are that if Waukesha County stops pulling water out of the deep aquifer it will protect Walworth County. We are losing 5 feet every year in Walworth County in the deep aquifer. There are places where people have deep wells that are already pulling up bad water. Some of the communities have to put in a shallow well and mix the two showing it can't continue the way we are now. Ms. Russell was surprised that our Zoning Ordinance does not have the definition of an environmental corridor. She suggested putting in our Zoning Ordinance a requirement that environmental corridors have the General Guidelines – Rural Density, Residential Development wording included.

Citizen Member Burwell made a motion and seconded by Supervisor Hawkins to table adoption of SEWRPC Planning Report No. 52 and place it on the March 14, 2011 LCC meeting agenda. Motion carried 4-0.

Wisconsin Land Information Association Award for Louise Olson and Rich Colbert - Michael Cotter said the award was for local government achievement. Ms Olson's idea was to develop a program for a uniform reporting software package to DATCP and DNR. The reporting program hopefully will be running in April and is in the 2011 budget. It is now being presented to all the counties to try to get the funding to obtain it. **Supervisor Hawkins made a motion and Citizen Member Burwell seconded to have a special order of business and have the full county board recognize both Louise Olson and Rich Colbert for their achievement. Motion carried 4-0.**

Eldon and Donna Stanton, voluntary Notice of Noncompliance, Farmland Preservation Program – Louise Olson said this is a requirement by the state of Wisconsin Farmland Preservation Plan. **Supervisors Grant and Hawkins made a motion and seconded to approve the Notice of Noncompliance and Chair Kilkenny execute the document. Motion carried 4-0.**

Next Meeting Date – Monday, March 14, 2011 at 1:30 p.m.

Adjournment – **On motion and second by Supervisor Hawkins and Grant, Chair Kilkenny adjourned the meeting at 2:50 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.