



Land Use and Resource
Management Department

**Walworth County
Land Conservation Committee Meeting
Monday, February 20, 2012 at 1:30 p.m.**

**Walworth County Government Center
County Board Room 114
Elkhorn, WI 53121**

Dan Kilkenny – Chair, Jerry Grant - Vice Chair

Randy Hawkins - Supervisor

Sue Bellman – USDA/FSA Representative, Dorothy C. Burwell – Citizen Member

(Posted in Compliance with Sec. 19.84 Wis. Stats.)

It is possible that a quorum of the County Board or a committee of the County Board could be in attendance.

AGENDA

1. Call to order
2. Roll call
3. Approval of the Agenda
4. Approval of Minutes from January 16, 2012 LCC Meeting
5. Public Comment
6. Discussion/Possible Action – Ordinance Amendment for Agricultural Structures – Deb Grube (enclosure, pages 1-4)
7. Discussion/Possible Action – Land Conservation Division 2011 Annual Report – Louise Olson (enclosure, pages 5-8)
8. Discussion/Possible Action – Communication Received from Secretary Ben Brancel, Wisconsin Department of Agriculture, Trade and Consumer Protection Acknowledging Receipt of Resolution No. 77-01/12 – Opposing Further Land Conservation Staffing grant Cuts – Louise Olson (enclosure, pages 9-10)
9. Discussion/Possible Action - Farmland Preservation Plan Strategy and Legal Opinion-Staff
10. Discussion/Possible Action - Proposed Ordinance Amendment to Chapter 2 Regarding Land Conservation Committee Staff Designation of Responsibilities to County Conservationist – Louise Olson (enclosure, pages 11-14)
11. Discussion/Possible Action - DNR Stormwater Grant – Louise Olson/Fay Amerson (enclosures, pages 15-19)
12. Next meeting date: Monday, March 19, 2012, 1:30 p.m.
13. Adjournment

**Submitted by: Michael P. Cotter, Director, Land Use and Resource Management Department,
Louise Olson, Deputy Director, Land Conservation Committee Designee**

Posted: February 15, 2012

DRAFT

**Walworth County Land Conservation Committee
MINUTES**

Monday, January 16, 2012 at 1:30 p.m.

Walworth County Board Room 114
Elkhorn, WI 53121

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

Roll call - Committee members present included: Supervisors, Kilkenny, Grant, Hawkins, Citizen Member Burwell and USDA/FSA Representative 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; Neal Frauenfelder, Sr. Planner; and Joeann Douglas, Recording Secretary.

Also in attendance – Nancy Russell, Walworth County Board Chair.

Approval of the Agenda – **Supervisor Hawkins and Grant moved and seconded approval of the agenda. Motion carried 5-0.**

Approval of the Minutes – **Supervisor Grant and Citizen Member Burwell moved and seconded approval of the December 19, 2011 LCC meeting minutes as presented. Motion carried 5-0.**

Public Comment – none

Lake District County Representative Ordinance Amendment – Dorothy Burwell. Discussion ensued regarding an ordinance amendment to assure the lake district representative had no conflicts of interest and acted as an agent of the county. Chapter 33 states there should be a representative from the lake district, a representative from the town or municipality and a representative from the county. **Citizen Member Burwell and Supervisor Hawkins moved and seconded to have staff amend the ordinance to say that a Lake District Citizen Member County Representative could not reside in the lake district they represented unless they were also an elected County Board member.** Michael Cotter will take the amendment to the Walworth County Board at the February meeting for approval. **Motion carried 5-0.**

Codification of Resolutions and/or Endorsements of Stewardship Grant Applications – Michael Cotter; Discussion took place regarding the stewardship grant applications. It was agreed they were well vetted by DNR before coming to the county, but there should still be codification. These are third party grant applications with no county budget implications. **Supervisor Hawkins and Grant moved and seconded having staff draft an ordinance amendment consistent with LCC discussions, and send it to the Executive Committee with a copy to the LCC. The Walworth County Conservationist, when there are time constraints at the county committees, may consider, respond and endorse third party grant applications on behalf of the Walworth County Board, after consulting Walworth county plans and general conservation practices. Motion carried 5-0.**

Farmland Preservation Plan Strategy with Kenosha County – Neal Frauenfelder said the Farmland Preservation Plan has not been certified by the state with the major sticking point being a zoning issue. Many of the tracts in Walworth and Kenosha County Farmland Preservation have multiple zoning jurisdictions (670 in Walworth County) and could lose eligibility if the plan is changed to all farmland preservation tracts having one zoning jurisdiction. In doing this, it would be necessary to change the C-2 zoning requirement from 5 acre to a 20 acre density requirement. At the meeting with Kenosha County a

strategy was developed for certification that focused on three major issues: 1. Does the state statute require DATCP approval of a farmland preservation plan? 2. Does the state statute require an entire parcel to be in a farmland preservation area and farmland preservation zoning district(s)? 3. Does the state statute, Chapter 91, indicate that the Farmland Preservation Plan supersedes the county's Comprehensive Land Use Plan? Both counties will ask for legal opinions from Corporation Counsel. Once legal opinions are given, a second meeting with Kenosha County and Walworth County will take place prior to a meeting being set up with Ben Brancel, DATCP. If this option does not provide a successful outcome, the counties would then try to encourage farmers, landowners, towns, local representatives, etc. to become pro-active with the state to change their interpretation and requirements set forth by DATCP staff.

Next Meeting Date – Monday, February 20, 2012 at 1:30 p.m.

Adjournment – **On motion and second by Supervisors Hawkins and Grant Chair Kilkenny adjourned the meeting at 2:39 p.m. Motion carried 5-0.**

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



MEMORANDUM

Land Use and Resource
Management Department

TO: Land Conservation Committee

FROM: Deb Grube, Land Use and Resource Management (Zoning)

DATE: February 6, 2012

SUBJECT: Land Conservation Committee Meeting of February 20, 2012

Currently, the Walworth County Zoning Ordinance(s) requires a 100' setback from all property lines for any building that houses animals.

The County Zoning Agency directed staff to draft a zoning ordinance amendment to require conditional use review and approval of agricultural parcels of 10 acres or less in size where the applicant can request the CZA to modify the rear yard setback to 50' (???) and the side yard setback to 35' (???), provided the owner will not exceed 1 animal unit per acre, based on State and County standards used to determine animal units, and subject to a deed restriction being filed to assure the animal unit/acre restriction is complied with.

The County Zoning Agency also requested the proposed ordinance amendment language be presented to the Land Conservation Committee for review and recommendation. Attached is the research associated with the proposed ordinance amendment, the ordinance amendment language and the animal unit calculations that are already in the zoning ordinance.

Thank you in advance for your consideration.

RESEARCH: Land Conservation staff completed calculations to support one animal unit per acre of land based on Conservation Standard 590 for nutrient management and the protection of ground water. Animal units are based on an approximate 1000 lbs per animal unit which are already identified in the County Zoning Ordinance consistent with state standards. Enforcement of one animal unit per acre would be difficult unless a conditional use process were established. Therefore, since the County Zoning Agency is looking at possibly relaxing the requirements on small farms with animal unit restrictions, it is a suggestion of County Staff that a Conditional Use process be established for "Hobby Farms". A "Hobby Farm" could be defined as existing agricultural property of 10 acres or less where the applicant could apply to the CZA for a lesser rear yard setback (50') and a lesser side yard setback (35') with the condition that the applicant not exceed one animal unit per acre (assured by deed restriction) along with other restrictions assuring compliance with the manure stacking and well code provisions.

For Example: This calculation would require 2 acres of land per horse, 1.4 acres per cow, 1 acre per steer, 1 acre per 2 ½ pigs, 1 acre for 10 sheep, and 1 acre for 100 chickens.

The conditional use request for a lesser setback for an animal building would also provide notice to neighbors and would require support of the Town.

NOTE: The County Zoning Agency is also proposing to reduce the street yard setback. With the research completed by staff, it appears to be wise land use to permit buildings closer than 100' from a right of way to preserve farmland, pasture, use right of way as a buffer and reduce construction costs. The request to reduce the street yard setback for a barn to a 25' setback from a private and subdivision road, 50' setback from a town road, 65' setback from a county road and an 85' setback from a state highway seems to be keeping with the purpose and intent of the zoning ordinance.

PROPOSED ZONING ORDINANCE(S) AMENDMENT

(Walworth County Code of Ordinances Zoning/Shoreland Zoning)

Deletions are noted with cross-outs and additions are noted with underlines.

Section 74-44/ 74-171

(a) Household pets shall be permitted in all zoning districts; provided that not more than four dogs or four cats are kept on any one premises, and provided further that no animals, or pets are bred or reared on such premises for commercial purposes or sold therefrom. Notwithstanding the foregoing, however, offspring of permitted household pets may be kept and sold from the premises for a period of up to eight months.

(b) All animals other than household pets shall be permitted only in the agricultural, C-1 and C-2 conservation districts, and park districts and the B-5 business district. Structures used for the housing of animals, other than household pets, must be located at least 100 feet from ~~all rear and side lot property lines~~ and 75' from the ordinary high water mark of any navigable body of water. Livestock structures for a livestock facility for fewer than 1,000 animal units shall be at least 100 feet from all property lines, wetland boundaries and floodplain boundaries. Livestock structures for a livestock facility for 1,000 animal units or more shall be at least 200 feet from property lines, wetland boundaries and floodplain boundaries and 150 feet from an access right-of-way. (DATCP 51.12(1)(a) & (b))

Section 74- 51/ 74-52/ 74-178/ 74-179

“Hobby Farm” as a conditional use item in the A-1, A-2, A-3, A-4, A-5 and C-2 zoning districts.

Section 74 – 61/ 74-188

“Hobby Farm” to the conditional use section of the ordinance to detail the provisions of the conditional use review and approval.

(17) Hobby Farm: On a Hobby Farm zoned A-1, A-2, A-3, A-4, A-5, and C-2, that is not abutting an R-1, R-2, R-2A, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, and C-3 residential district, the County Zoning Agency may modify the rear and side yard setbacks for buildings used to house animals to a 50' rear yard setback and a 35'/50' side yard setback provided the animal units do not exceed 1 animal unit per acre with a deed restriction being filed with the Register of Deeds office to assure the animal unit/acre restriction is complied with. The committee may also condition the request to assure compliance with the purpose and intent of the zoning ordinance such as manure stacking and well code provisions. In approving or disapproving the Hobby Farm, the committee shall also consider such evidence and deed restriction as may be presented at the public hearing bearing upon the general purpose of this ordinance set forth in Section 74-153/74-154 and upon the particular land use problems related to development of the parcel as proposed.

DEFINITION: (Add)

“Hobby Farm”: Is an existing legal parcel of land 10 acres of less in size zoned A-1, A-2, A-3, A-4, A-5, or C-2 where the farm operation on the parcel does not provide the majority of income and where building(s) used to house animals are proposed and where the CZA may modify the building setback requirements through the conditional use process provided the parcel does not abut an R-1, R-2, R-2A, R-3, R-4, R-5, R-5A, R-6, R-7, R-8 and C-3 residential district.

Housing of Animals: Is the act of providing animals shelter, to harbor, cover, as a place of protection from elements.

EXISTING ZONING ORDINANCE LANGUAGE:

For animal units not listed, the equivalency to animal units shall be based on live animal weights. In those cases, 1000 pounds of live weight is equivalent to one animal unit.

Animal Units

Number Equivalent to 500 Animal Units	Animal Type	Animal Equivalency Factor
	DAIRY CATTLE:	
350	Milking and dry cows	1.4
450	Heifers (800 to 1,200 lbs.)	1.1
835	Heifers (400 to 800 lbs.)	0.6
2,500	Calves (under 400 lbs.)	0.2
	BEEF CATTLE:	
500	Steers or cows (800 lbs. to mkt.)	1.0
1,000	Calves (under 600 lbs.)	0.5
350	Bulls	1.4
	SWINE:	
1,250	Pigs (55 lbs. to mkt.)	0.4
5,000	Pigs (up to 55 lbs.)	0.1
1,250	Sows	0.4
1,000	Boars	0.5
	SHEEP:	
5,000	Per animal	0.1
	HORSES:	
250	Per animal	2.0
	DUCKS:	
2,500	Per bird (wet lot)	0.2
50,000	Per bird (dry lot)	0.01
	CHICKENS:	
50,000	Layers	0.01
100,000	Broilers	0.005
50,000	Broilers (continuous overflow watering)	0.01
15,000	Layers or broilers (liquid manure system)	0.033
	TURKEYS:	
27,500	Per bird	0.018

Land Conservation Division 2011 Annual Report

Land Use and Resource
 Management Department

- Secured funding of \$163,331. from the Department of Agriculture, Trade and Consumer Protection (DATCP) for staff salaries and support expenses.
- Secured funding of \$66,857. for cost sharing conservation practices from DATCP through the Land and Water Resource Management Plan.
- Expenses for the final year of the state Aquatic Invasive Species grant totaled \$72,294. This is a 50% cost share grant; credit to the County was \$36,147. A reapplication of an Aquatic Invasive Species Grant was completed which will begin on January 1, 2013, running through December 31, 2015.
- Received \$50,000 from DATCP to develop the Walworth County Farmland Preservation Plan prior to December 31, 2012. We then received approval for a 2 year extension of the plan
- Supervised conservation plans of 450 landowners enrolled in the Farmland Preservation program for 2011; of that 113 were spot checked.
- The number of participants who took the Farmland Preservation tax credit in 2011 (for 2010 tax year) was 354 which provided \$343,003 in tax credit to them.
- Provided technical and administrative support resulting in a TRM Grant award for the Nature Conservancy for \$64,750 to install a grade stabilization structure and waterway in a wooded area draining directly into Pickeral Lake which drains to Beulah Lake and ultimately the Mukwonago River. The area of concern was a gully through a wooded area directly above the lake. In places, the gully was 10 feet deep. In the past the upland and pasture had been treated with grassed waterways, sediment and a water control basin in conjunction with no-till farming practices. The last section of drainage through the woods was a constant erosion concern. See photos below.



- Received \$3,433. plus \$250 administration costs from the Department of Natural Resources (DNR) to administer the Wildlife Damage Abatement and Claims Program.
- Secured a Mississippi River Healthy Basin Initiative Agreement with the USDA Natural Resource Conservation Service (NRCS) for technical assistance from Walworth County.
- Secured a USDA cooperative agreement for technical assistance of \$7,782 for our efforts in the implementation of CRP.
- Received \$24,020. from reclamation permit fees to administer a Nonmetallic Mining Reclamation program. An additional \$3,755 was collected/transferred to the DNR.
- In conjunction with FSA and NRCS, administered the Conservation Reserve Enhancement Program (CREP), providing \$2,830 to Walworth County landowners in cost sharing (incentive and cost share) in 2011 and \$205,236. since its inception in 2002.
- Erosion Control and Stormwater permits issued totaled 411 bringing \$91,149. in revenue. There were 823 erosion control//Stormwater site inspections with 15 citations and 76 notices issued. Each month a report is provided to the municipalities of the site inspections, appointments, citations/notices issued.
- Presided over a Public Hearing for attachment of property to the Lake Beulah Management District pursuant to Section 33.26 of the Wisconsin Statutes. Approval was recommended.
- Approximately 250 landowners purchased 22,700 trees and shrubs through the annual tree program for pollution reduction. Brochures on several pollution reductions measures and tree/shrub care were also distributed along with Root gel to assure better survival rates.
- Assisted in a joint program with UW Extension that provided rain barrels to landowners wishing to collect their own water for gardens, lawns, etc.
- Conducted a transect survey of approximately 700 field data points to determine soil erosion rates and other important soil and water resource management tools.
- Provided technical assistance to the Walworth County Lakes Association through information and education including attending meetings, procurement of qualified speakers, pontoon classrooms, handouts, press releases, and newsletter articles.
- Provided a diverse number of conservation related handouts to landowners and businesses at 2011 outreach programs including Pontoon Classrooms, Boater Safety Classes, watercraft inspections, Invasive Species talks, various workshops, and an Invasive Species office Display.
- Aquatic Invasive Species Control and Prevention (AIS) included outreach to 18 groups through workshops/presentations; 16 contacts with plant nurseries, pet stores and bait dealers; 1187 individual contacts; 520 watercraft inspections; distributed approximately 5,126 handouts, completed a new AIS sign and distributed it to 23 public boat launches (see attached) mapping 14 car washes that accommodate boats in and around Walworth County; provided other source containment inventory activities and sent to WI DNR; monitored various lakes for zebra mussel, yellow floating heart; produced aquatic plant management plan draft and other lake protection work.
- As part of a multi-governmental effort, assisted in the 11th annual Walworth County Prairie Walk attended by 54 people at Seno Woodland Educational Center. Speaker, Noel Cutright, a retired Sr Terrestrial Ecologist with WE Energies spoke about birds, bats and wind farms and how wind farms fit into sustainable energy. To date, 758

people have attended these informative walks listening to a wide range of environmental topics and seeing first-hand, restored prairies and prairie remnants, wetlands, fens, CRP lands, stream re-meanders, wetland scrapes, and other conservation practices.

- In conjunction with the Zoning Division, provided 61 landscapers, arborists, supervisors and interested individuals with information at the annual 2011 Landscapers Workshop about erosion control rules/concepts, County permitting, and DNR rules/permitting
- Prepared and advanced a county board resolution adopting the amendment to the Natural Areas and Critical Species Habitat Protection and Management Plan for Southeast Wisconsin.
- Provided a presentation and training for builders on construction site erosion regulations in cooperation with the Lakeland Builders Association.
- Provided technical assistance to the Kettle Moraine Land Trust
- Memberships – Audrey Greene is a member of the Fox River Basin Partnership Team and the Rock River Partnership. Fay Amerson is a member of the Mukwonago River Initiative and the Coalition of Walworth County Conservation Organizations and Land Trusts.

Practices Installed in 2011

Installed in 2011 through all programs technical support was given:

14,000 acres	Nutrient Management
33 acres	Waterway Systems
650 feet	Rock Lined Waterway
2,500 feet	Diversions
2,300 feet	Terrace Systems (includes 1,500 feet of repair)
8,000 feet	Underground Outlet
1	Roof Runoff System
1	Cattle Crossing
14.5 acres (6,510 linear feet)	Filter Strips
3	Animal Waste Storage Permits



**Practical
Solutions**

The filter strip acres installed in 2011 will decrease sediment by **31.6 tons**, Phosphorus, by **69 pounds**, and Nitrogen by **36.6 pounds**.



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TAKE AN EXTRA STEP

Please Wash Your Boat

Walworth County Car Washes With Boat Capacity

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HITCHHIKERS!**

**WALWORTH
COUNTY'S**

**MOST
NOT
WANTED**



**CURLY-LEAF
PONDWEED**



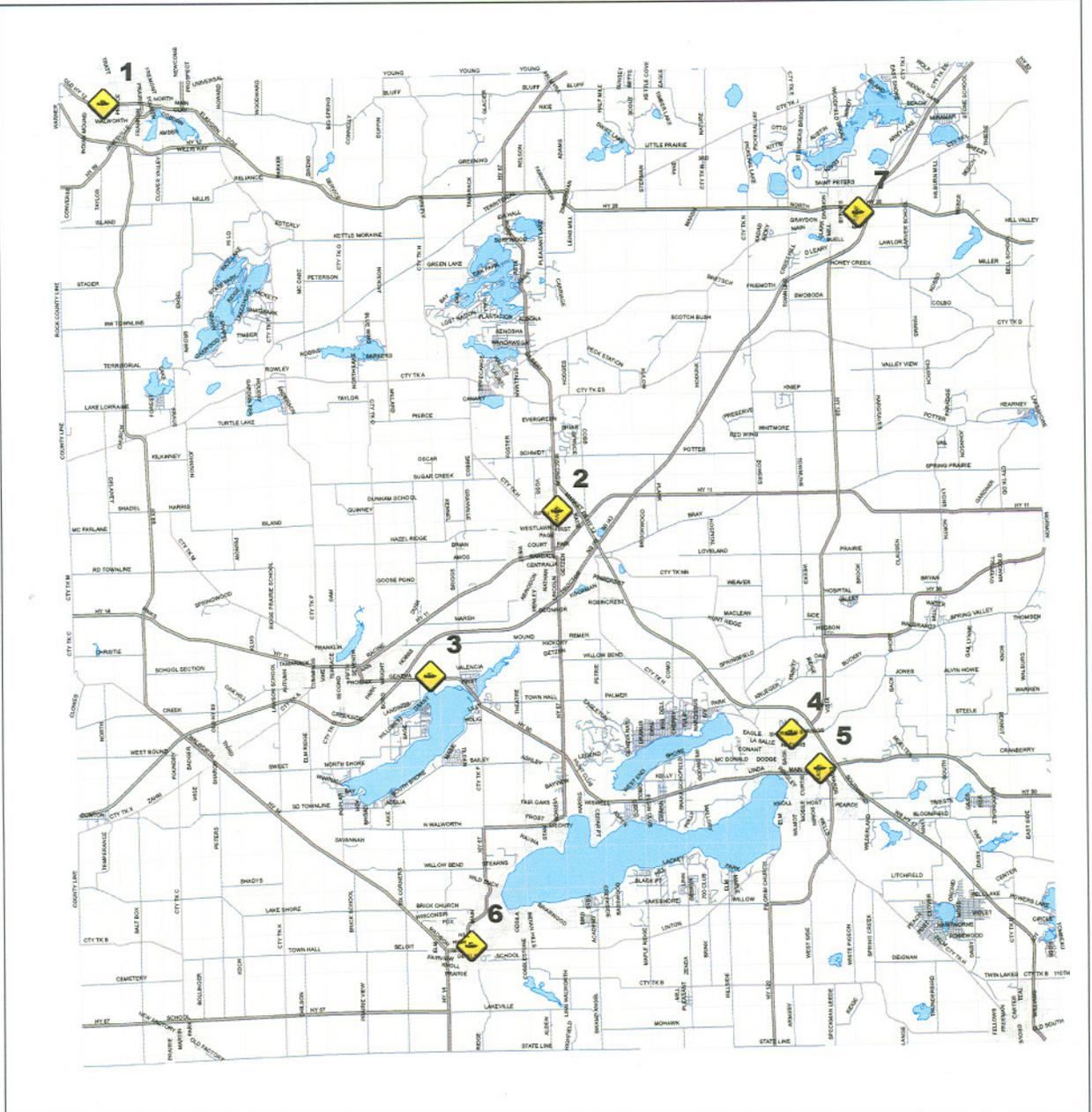
**EURASIAN
WATER-
MILFOIL**



**RUSTY
CRAYFISH**



**ZEBRA
MUSSELS**



Map #	Business Name	Address
1	Wonderwash	1280 W Main St., Whitewater, WI 53190
2	Super Wash	811 N Wisconsin St., Elkhorn, WI 53121
3	F&F Tire & Car Wash	2201 E. Geneva St., Delavan, WI 53115
4	Lake Geneva Shell	501 Interchange N., Lake Geneva, WI 53147
5	Evergreen BP	300 Peller Road, Lake Geneva, WI 53147
6	Bigfoot Car Wash & Quick Lube	210 State Road 67, Walworth, WI 53184
7	Main Street Car Wash	2525 Main St., East Troy, WI 53120



State of Wisconsin
Governor Scott Walker

Department of Agriculture, Trade and Consumer Protection
Ben Brancel, Secretary

RECEIVED
WALWORTH COUNTY CLERK
2012 JAN 23 AM 9:22

January 18, 2012

Walworth County Board of Supervisors
c/o Kimberly S. Bushey, County Clerk
100 W. Walworth
PO Box 1001
Elkhorn, WI 53121

Dear Board Members:

This will acknowledge receipt of your resolution of January 10, 2012 expressing concerns about our agency's required lapse and its impact on the 2012 allocation for staffing grants. While I fully understand why you might be interested in using other funds to backfill the loss of staffing grant funds, I want to share with you the challenges we face in managing this issue.

While the 2011-13 biennial budget maintained conservation funding on many levels, the budget also contained a provision requiring state agencies to lapse \$174 Million in additional revenues. The portion of the lapse that belongs to the Department of Agriculture, Trade and Consumer Protection (DATCP) was determined by the Department of Administration (DOA) to be \$2.3 million for 2012. This was outlined in an October 14, 2011 memorandum from the DOA to state agencies, (<http://thewheelerreport.com/releases/October11/1018/1018doa.pdf>). As the letter indicates, the lapses "may not be taken from segregated appropriations" (SEG) and the lapse allocations "may only be taken from sum certain GPR or PR appropriations that have a positive cash balance."

Under these constraints, state agencies such as ours had to explore grant and other external programs funded by GPR. Given the makeup of the programs we fund, we had little choice but to look at the GPR appropriation for county staffing grants to meet our lapse requirement. Having made this difficult decision, we are working diligently to identify the fairest way to share this \$1.1 million reduction among the counties who receive grant funds to pay for conservation staff.

On its own, DATCP does not have the ability to backfill the loss of GPR funds by using the SEG appropriation for nutrient management—sec. 20.115(7)(qf), Stats. As it stands currently, the (qf) appropriation text clearly states (below), DATCP cannot use any of these SEG funds to pay for county staff:

Soil and water management; aids. From the environmental fund, the amounts in the schedule for cost-sharing grants and contracts under the soil and water resource management program under s. 92.14, but not for the support of local land conservation personnel.

Agriculture generates \$59 billion for Wisconsin

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9

It is our understanding that the legislature could transfer funds from the nutrient management appropriation to the account that covers staffing grants. With this transfer, DATCP would have additional funds available for its staffing grant allocation, making up for the lapse in GPR funds.

To place in perspective the scope of the actions we were required to take, we are looking to other DATCP-funded programs to share in our required lapse, including the Agriculture Development and Diversification grants (\$321,000), Buy Local, Buy Wisconsin (\$200,000), Farmland Preservation Planning Grants (\$374,200) and John's testing (\$211,200). In certain cases, these lapses will eliminate funding for entire programs. Before our recommended lapses become final, we must receive approval of the Legislature's Joint Committee on Finance, which is slated to review the state lapse plan in the near future.

Understanding the importance of this issue to all of us, I have tried to keep an open mind, been actively engaged in listening to alternatives, and will directly work with county and other groups to best manage the impacts of this lapse.

Kindly share this response with Board members including the Land Conservation Committee.

Sincerely,



Ben Brancel
Secretary



Land Use and Resource
Management Department

Memorandum

TO: Land Conservation Committee

FROM: Louise A. Olson, LURM Deputy Director/ County Conservationist

SUBJECT: Proposed Ordinance Amendment to Chapter 2

DATE: February 3, 2012

CC: David Bretl, County Administrator
Michael Cotter, LURM Director

At the January 16, 2012, Land Conservation Committee Meeting, discussion with action was noted to amend Walworth County Ordinance, Chapter 2 regarding non-county grant requests and lake-district representation criteria. After working closely with Michael Cotter and comparing other duties as set forth in Wisconsin State Statute Chapter 92, we felt that these duties should be also considered as an amendment to Walworth County Ordinance, Chapter 2.

I have included in this memo suggested changes to the county ordinance along with the portion of s.s.Chapter 92 that are applicable.

Walworth County Ordinance under Sec. 2-143. - Land conservation committee.

(a)

Purpose. The land conservation committee shall have the following duties:

(1)

Exercise those duties set forth in Wis. Stats. § 92.07, subject to ordinances and procedures established by the county board.

(2)

Make recommendations to the county board concerning land use planning issues.

(3)

Exercise those duties set forth in Wis. Stats. § 33.26 regarding lake districts subject to ordinances and procedures established by the county board.

DRAFT Examples for March 2012 County Board:

(4) Review all Non-Walworth County grant applications and forward a recommendation to the Walworth County Board of Supervisors. In cases where time limits prevent full board review, the Walworth County – County Conservationist may consider, respond, and endorse Non-Walworth County grant applications after consulting Walworth County planning documents and general conservation practices.

New LCC Draft for February 2012 meeting to be considered:

(5) The county soil and water conservation staff is responsible for the administration of the county soil and water conservation program and may exercise the powers granted to the land conservation committee under s.s 92.07. Duties listed but not limited to, such as:

- Approve and sign cost share agreements among landowner, state or federal agencies and county when pass through funds are part of a county board approved grant.
- Develop and adopt standards and specifications for management practices to control erosion, sedimentation and nonpoint source water pollution to include in county ordinances that meet with state and federal requirements prior to land conservation committee and county board approval.
- Distribute funds and allocate federal, state and county funds made available to the county for cost-sharing programs or other incentive programs for improvements and practices related to soil and water conservation on private or public lands, and within the limits permitted under these programs.

WISCONSIN STATE STATUTES UNDER CHAPTER 92- Specific sections related:

92.07 Land conservation committee; powers.

92.07(1) Powers generally. Each land conservation committee may carry out the powers delegated to the committee subject to the approval of the county board.

92.07(2) Standards. Each land conservation committee may develop and adopt standards and specifications for management practices to control erosion, sedimentation and nonpoint source water pollution. The standards and specifications for agricultural facilities and practices that are constructed or begun on or after October 14, 1997, and, if cost-sharing is available to the owner or operator under s. 92.14 or 281.65 or from any other source, for agricultural facilities and practices that are constructed or begun before that date shall be consistent with the performance standards, prohibitions, conservation practices and technical standards under s. 281.16 (3). The land conservation committee shall use the rules promulgated under s. 281.16 (3) (e) to determine whether cost-sharing is available.

92.07(3) Distribute funds. Each land conservation committee may distribute and allocate federal, state and county funds made available to the committee for cost-sharing programs or other incentive programs for improvements and practices relating to soil and water conservation on private or public lands, and within the limits permitted under these programs, to determine the methods of allocating these funds.

92.07(5) Educational and other programs. Each land conservation committee may encourage research and educational, informational and public service programs, advise the University of Wisconsin System on educational needs and assist the University of Wisconsin System and the department in implementing educational programs under ss. 36.25 (7), 59.56 (3) and 92.05.

92.07(6) Preventive and control measures and works of improvement. Each land conservation committee may carry out preventive and control measures and works of improvement for flood prevention and for conservation, development, utilization and control of water within the county. These preventive and control measures and works of improvement may include, but are not limited to, changes in the use of land and use of engineering operations such as terraces, terrace outlets, desilting basins, floodwater retarding structures, floodways, dikes and ponds, methods of cultivation and the growing of vegetation. These preventive and control measures and works of improvement may be carried out on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction of the land, and on any other lands within the county upon obtaining the consent of the landowner or the necessary rights or interests in the land.

92.07(7) Assistance. Each land conservation committee, in the name of the county, may cooperate with, enter into agreements with, or furnish financial, technical, planning or other assistance to any agency, governmental or otherwise, or any landowner or land user within the incorporated or unincorporated parts of the county, in carrying out resource conservation operations and works of improvement for flood prevention or for the conservation, development, utilization and protection of soil and water resources within the county.

92.07(7m) Assistance to the department of transportation. Each land conservation committee shall cooperate with the department of transportation as requested under s. 85.195.

92.07(8) Obtain property. Each land conservation committee, in the name of the county, may obtain options upon and acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, any property or rights or interests in property or in water. A land conservation committee may maintain, administer and improve any properties acquired. A land conservation committee may receive income from these properties on behalf of the county and may expend this income in carrying out the purposes and provisions of this chapter. A land conservation committee may sell, lease or otherwise dispose of the property or interests in property in furtherance of the purposes and **the provisions of this chapter.**

92.07(9) Machinery availability. Each land conservation committee may make available, on terms it may prescribe, to landowners and land users within the incorporated and unincorporated parts of

the county, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and other material or equipment which will assist the landowners and land users in carrying on operations upon their lands for the conservation of soil resources, for the prevention and control of soil erosion, for flood prevention, for the conservation, development and utilization of water or for the prevention of nonpoint source water pollution.

92.07(10) Structures. Each land conservation committee may construct, improve, operate and maintain structures necessary or convenient for the performance of any of the operations or activities authorized in this chapter.

92.07(11) Administration of projects or programs. Each land conservation committee, in the name of the county, may acquire, by purchase, lease or otherwise, and administer, any soil conservation, flood prevention, water management or nonpoint source water pollution abatement project or combinations of these projects, and participate in programs concerned with the conservation of natural resources located within the county undertaken by the United States or any of its agencies, or by this state or any of its agencies. A land conservation committee may administer, as agent of the United States or any of its agencies, or of this state or any of its agencies, any soil conservation, flood prevention, water management, water quality improvement, nonpoint source water pollution abatement, erosion control, erosion prevention project or resource conservation program within the county. A land conservation committee may act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation or administration of any resource conservation program within the county. A land conservation committee, on behalf of the county, may accept donations, gifts and contributions in money, services, materials or otherwise from any source and use or expend these moneys, services, materials or other contributions in carrying on its operations.

92.07(12) Contracts; rules. Each land conservation committee, in the name of the county, may make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

92.07(13) Contributions; agreements. As a condition to extending any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, a land conservation committee may require contributions in money, services, materials or otherwise to any operations conferring the benefits, and may require landowners and land users to enter into and perform agreements or covenants respecting the use of land as will lead to conservation of soil and water resources.

92.07(14) Enter upon lands. Each land conservation committee may enter upon any lands within the county to examine the land and make surveys or plans for soil and water conservation without being liable for trespass in the reasonable performance of these duties. This authorization applies to the land conservation committee members and their agents.

92.07(15) Administration and enforcement of ordinances. A land conservation committee may, if authorized by the county board, administer and enforce those provisions of an ordinance enacted under s. 101.65 (1) (a) related to construction site erosion, a zoning ordinance enacted under s. 59.693 or an ordinance enacted under authority granted under s. 101.1206.

92.07 History History: 1981 c. 346; 1983 a. 410 s. 2200 (2); 1985 a. 332 s. 251 (8); 1991 a. 309; 1993 a. 16; 1995 a. 201; 1997 a. 27; 1999 a. 9; 2009 a. 28; 2011 a. 32.

92.07 Cross-reference Cross-reference: See ss. 59.70 (20) (c) and 60.10 (2) (i) for authorization of county or town appropriations.

92.09 Land conservation committee staff. The land conservation committee may employ county soil and water conservation staff, subject to the approval of the county board. The county soil and water conservation staff is responsible for the administration of the county soil and water conservation program and may exercise the powers granted to the land conservation committee.



Land Use and Resource
Management

MEMO

Date: February 10, 2012
To: Walworth County Land Conservation Committee
From: Louise A. Olson, County Conservationist/Deputy Director, LURM
Re: **WDNR Urban Nonpoint Source and Storm Water Planning Grant Application Request Approval to Submit Application**

I am requesting approval to prepare and submit an application for a Wisconsin Department of Natural Resources Urban Nonpoint Source and Storm Water Planning Grant. I have attached a Resolution authorizing submittal of this Grant Application, (Exhibit #1)

Urban Nonpoint Source and Storm Water Management Planning Grants are awarded by the Wisconsin Department of Natural Resources and can be used to support for a variety of technical assistance activities aimed at addressing storm water runoff pollution. Grants are awarded through a competitive process to fund activities in urban areas in Walworth County, (see Exhibit #2) Storm water management planning, storm water information and education, and ordinance development are eligible for funding. The cap on the total state share for planning projects is \$85,000.

The establishment of a County-wide Intergovernmental Storm Water Pollution Prevention Program was specifically identified as an initiative in the *Walworth County Land and Water Resource Conservation Plan*, adopted by the County Board of Supervisors and the State of Wisconsin in 2010.

The County-wide Intergovernmental Storm Water Pollution Prevention Program, if funded will allow the Walworth County Conservation Division to dedicate staff to advance a variety of activities targeted at urban storm water management, with an emphasis on public information and education.

If awarded, the County will recruit a Walworth County Storm Water Pollution Prevention Intergovernmental Workgroup to advance the following activities:

- A Storm Water Pollution Prevention Strategy or Action Plan will be developed by the Walworth County Storm Water Pollution Prevention Intergovernmental Workgroup. The Plan will include a public information and education element.
- Upgrade Construction Site Erosion Control and Storm Water Management Ordinances to include the Performance Standards contained in NR 151 of the State Administrative Code.
- Prepare and distribute a Construction Site Erosion Control and Storm Water Management Permit Handbook.
- Develop Nutrient Management Information and Education program for non-agricultural use of fertilizers on sites greater than 5 acres.
- Assist Walworth County Municipalities adopt Ordinances for the management of Illicit Discharges.
- Prepare and distribute model storm water pollution prevention plans, SWPPPS for Fueling and Vehicle Maintenance Facilities and Contractor Storage Yards.
- Conduct Construction Site Erosion Control and Storm Water Management Workshops for Builders, Engineers and Municipal Inspectors.

Attachments.

100 West Walworth Street
P. O. Box 1001
Elkhorn, WI 53121
Conservation Division
262-741-4972 tel
262-741-4973 fax

DRAFT

Exhibit # 1
Resolution No.

Supporting the Urban Nonpoint Source and Storm Water Management Planning Project Grant Application

Moved/Sponsored by: Walworth County Land Conservation Committee

WHEREAS, Walworth County lakes, streams, wetlands and groundwater are important natural resources in Walworth County and the State of Wisconsin; and

WHEREAS, Storm water runoff from urban lands can deliver pollutants and impair the water quality and recreational use of Walworth County lakes, streams, wetlands and groundwater; and

WHEREAS, the Walworth County Land and Water Resource Management Plan Update, (adopted by the Walworth County Board of Supervisors in 2010) recommends the establishment of a *County-wide Storm Water Pollution Prevention Program* and the application for state and local grant funds to advance this program; and

WHEREAS, Walworth County desires to receive grant funding from the Wisconsin Department of Natural Resources, (WDNR) pursuant to ss. 281.66, Wis. Stats., and Chapters NR 151, 153 and 155, Wis. Adm. Code, for the purpose of implementing measures to control nonpoint source water pollution, and

WHEREAS, the Walworth County Land Use and Resource Management Department - Conservation Division personnel are qualified to carry out the responsibilities of an urban storm water management planning project; and

WHEREAS, the Walworth County Board of Supervisors agrees to contribute at least 30 percent (also called "match) needed for urban storm water management planning projects that are ultimately grant funded by the WDNR; and

NOW THEREFORE BE IT RESOLVED, that the Walworth County Board of Supervisors authorizes Louise A. Olson, County Conservationist, to submit a signed Urban Nonpoint Source and Storm Water Management Planning Project Grant Application; and

BE IT FURTHER RESOLVED, that the Walworth County Board of Supervisors authorizes Louise A. Olson, County Conservationist to sign the grant agreement between Walworth County and the WDNR, submit a signed Environmental Hazard Assessment Form to the WDNR, if applicable, submit signed quarterly and final report forms to the WDNR and submit signed grant reimbursement requests to the WDNR.

Nancy Russell
County Board Chair

Kimberly S. Bushey
County Clerk

Action Required: Majority _____ Two-thirds _____ Other _____

Policy and Fiscal Note
Resolution No.

- I. Title:** Supporting the Urban nonpoint Source and Storm Water Management Planning Grant Application.
- II. Purpose and Policy Impact Statement:** The purpose of this resolution is to support the Walworth County Land Use and Resource Management Department seek financial assistance from the Wisconsin Department of Natural Resources to partially fund the establishment of County- wide *Urban Storm Water Pollution Prevention Program* focused on protecting the water quality and recreation use of Walworth County lake, streams, wetlands and groundwater.

The establishment and the advancement of a County-wide Urban Storm Water Pollution Prevention Program is an initiative recommended in the *Walworth County Land and Water Resource Conservation Plan Update*, adopted by the Walworth County Board of Supervisors on February 9, 2010.

- III. Budget and Fiscal Impact:** Cost of the Urban Nonpoint Source Pollution and Storm Water Planning is as follows, assuming a January 1, 2013 starting date:

	<u>2013</u>	<u>2014</u>
Total Program Cost	\$55,250.00	\$55,250.00
State Grant Revenue	\$38,675.00	\$38,675.00
County Costs	\$16,575.00	\$16,575.00

- IV. Referred to the following standing committees for consideration and date of referral:**

Committee: Land Conservation Committee Meeting Date:

Vote:

County Board Meeting Date:

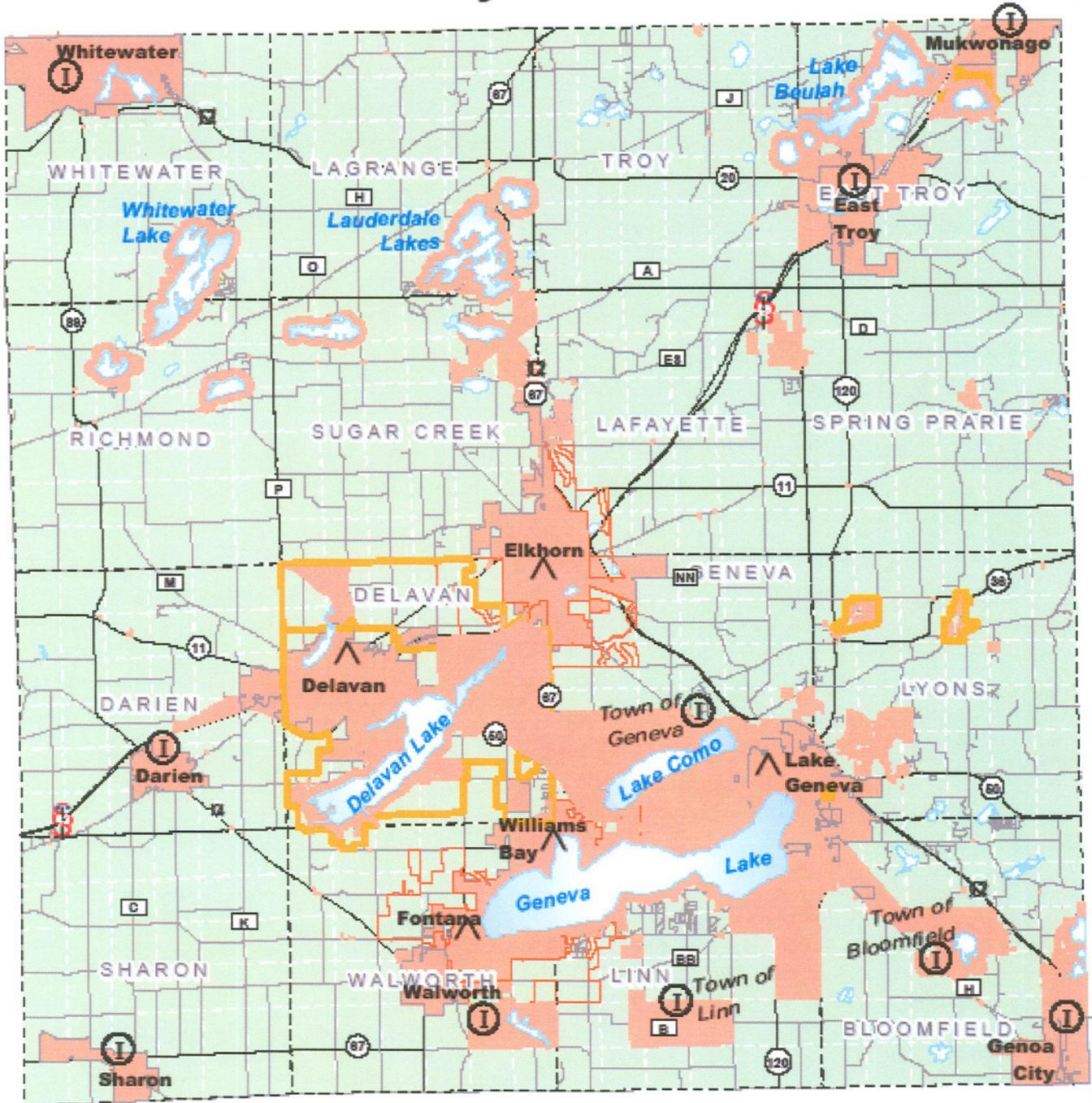
Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached resolution.

David A. Bretl Date
County Administrator/Corporation Counsel

Nicole Andersen Date
Deputy County Administrator - Finance

Walworth County Stormwater Management Planning Grant

Urban Project Area 2025



- Lands Meeting "Urban Density" Definition (2025)
- Municipalities committed to Intergovernmental Agreement
- Municipalities Invited/Not Committed as of 4/1/08

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