



**Walworth County
Land Conservation Committee Meeting
Monday, May 14, 2012 at 2:00 p.m.**

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

Land Use and Resource
Management Department

Dan Kilkenny – Chair, *Nancy Russell* - Vice Chair
Tim Schiefelbein- Supervisor

Sue Bellman – USDA/FSA Representative, – 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 April 23, 2012 LCC Meeting
5. Public Comment
6. Discussion/Possible Action – LCC representative to the SE Area Land and Water Conservation Association , Louise Olson
7. Discussion/Possible Action – Walworth County Lake Districts, 2012, Appointments - Louise Olson (enclosures, pages 1-7)
8. Discussion/Possible Action – Walworth County Farmland Preservation Update – Louise Olson
9. Discussion/Possible Action –Decision for Nonmetallic Mining in Walworth County Farmland Preservation Area– Staff (enclosure, pages 8-13)
10. Next meeting date: Monday, June 18, 2012, 2:00 p.m.
11. Adjournment

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

Posted: May 8, 2012

Walworth County Land Conservation Committee
MINUTES

DRAFT

Monday, April 23, 2012 at 2:00 p.m.

Walworth County Board Room 114
Elkhorn, WI 53121

The meeting was called to order by LURM Director Michael Cotter at 2:00 p.m.

Roll call - Committee members present included: Supervisors, Kilkenny, Russell, Schiefelbein 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; and Joeann Douglas, Recording Secretary.

Also in attendance – Joshua Clements, UW Extension; Carl Redenius, Walworth County Board Supervisor; Marilee Holst, Geneva Lake Conservancy

Approval of the Agenda – **USDA/FSA Representative Bellman and Supervisor Kilkenny moved and seconded approval of the agenda. Motion carried 4-0.**

Approval of the Minutes – **Supervisor Kilkenny and USDA/FSA Representative Bellman moved and seconded approval of the March 19, 2012 LCC meeting minutes as presented. Motion carried 4-0.**

Public Comment – none

Chairperson Nominations/Elections – **Citizen Member Schiefelbein nominated Supervisor Kilkenny, seconded by Supervisor Russell; there were no other nominations. Nominations were closed. Motion carried 4-0**

Vice-Chairperson Nominations/Elections – **Chair Kilkenny nominated Nancy Russell as Vice-chair, seconded by Citizen Member Schiefelbein. There were no other nominations. Nominations were closed. Motion carried 4-0.**

Role and Responsibilities of the Land Conservation Committee - Louise Olson briefly reviewed the LCC's programs and statutory requirements and offered to talk with anyone who had questions. The roles and responsibilities booklet was part of the committee's packet.

Walworth County Lake Districts, 2012 – Louise Olson said she had started contacting people who were incumbents or showed interest; Richard Callaway expressed interest in Lauderdale Lakes. First choice to sit on a lake district goes to interested LCC members followed by county board members and then interested citizens. Chair Kilkenny said he would be interested in Lake Comus and Vice-Chair Russell was interested in Lake Beulah if Supervisor Stacey, the incumbent, was not interested. Mr. Bretl will be sending a letter with the list of interested individuals and notifying county board members of their right to request appointments to the positions. Michael Cotter said we would be coming back to the issue at the May meeting with selections; voting would take place at that time. Selections would then go to the County Board as appointments.

Correspondence From METCO Regarding Brownfield Grants Through the Wisconsin Economic Development Corporation – Michael Cotter said METCO is an environmental consulting firm and we have no need for their services. **Vice-Chair Russell and Citizen Member Schiefelbein moved and seconded placing the correspondence on file. Motion carried 4-0**

Next Meeting Date – Monday, May 14, 2012 at 2:00 p.m.

Adjournment – **On motion and second by Citizen Member Schiefelbein and USDA/FSA Representative Bellman, Chair Kilkenny adjourned the meeting at 2:19 p.m. Motion carried 4-0.**

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

Land Conservation Committee or County Board Supervisor interested in sitting on any of the above Lake Districts, per State Statute Chapter 33, please designate your interest below:

Benedict- Tombeau Lakes

Ken Monroe

Beulah Lake

Rick Stacey

Booth Lake

Stan Muzatko * Incumbent

Comus Lake

Dan Kilkenny

Honey Lake

Robert McIndoe*Incumbent

Pleasant Lake

Robert Arnold*Incumbent

Potters Lake

Joyce Ketchpaw-Reed * Prior incumbent

Lauderdale Lakes

Rick Callaway*- Interested

Whitewater-Rice Lakes

Jerry Grant -

Interested * Citizen Members

(As of May 2, 2012)

WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE

Name: RICHARD CALLAWAY

Date: 4-18-12

Mailing Address: N 5036

Phone: 262-374-2387

ROBINSON DRIVE

ELKHORN WI 53121

I reside in: the Town of LA GRANGE

the Village of _____

the City of _____

Please consider me for appointment to: COUNTY REPRESENTATIVE

TO THE LAUDERDALE LAKES MANAGEMENT DISTRICT

I am interested in serving as a citizen representative because: THE COUNTY REPRESENTATIVE

SHOULD BE THE CONDUIT BETWEEN THE COUNTY AND

DISTRICT. I UNDERSTAND THE FUNCTION AND NEEDS

OF BOTH. I AM A CONSERVATIONIST AND UNDERSTAND
WHAT NEEDS TO BE DONE

Special skills, experience or qualifications I possess related to this appointment are:

MASTERS DEGREE IN COMMUNITY ORGANIZATION

U.W. - MILWAUKEE 1971 (ATTACHED)

Check one of the following:

I am a resident of Walworth County and reside in the appropriate jurisdiction to serve on the board or commission for which I am applying.

I am not a resident of Walworth County.

I certify that the information I have provided is truthful to the best of my knowledge.

Richard Callaway 4-18-12
Signature of Applicant Date

Feel free to attach any additional documentation to this form.

TOWN OF LAGRANGE BOARD SUPERVISOR 1999-2011

A. TOWN REPRESENTATIVE TO LAUDERDALE LAKES &
PLEASANT LAKE MANAGEMENT DISTRICTS

B. TOWN OF LAGRANGE PLANNING & ZONING COMMITTEE

C. TOWN OF LAGRANGE SAFETY COMMITTEE

I UNDERSTAND HOW THE SYSTEM IS SUPPOSED TO
WORK AND KNOW THE AREA VERY WELL.

WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE

Name: Stanley A. Muzatko

Date: 03-30-12

Mailing Address: N 8825 Townline Rd
East Troy, WI
53120

Phone: 262-642-3429

I reside in: the Town of Troy
 the Village of _____
 the City of _____

Please consider me for appointment to: Booth Lake

I would also consider Potters Lake or preferably Pleasant Lake

I am interested in serving as a citizen representative because: I have always had a firm belief that we must preserve our natural resources. I believe that cooperation between Lake Districts and the county are important to everyone involved.

Special skills, experience or qualifications I possess related to this appointment are:

Having attended lake related seminars as a county board supervisor and have served on Lake District since 1995 on Pleasant Lake and Booth Lake.

Check one of the following:

I am a resident of Walworth County and reside in the appropriate jurisdiction to serve on the board or commission for which I am applying.

I am not a resident of Walworth County.

I certify that the information I have provided is truthful to the best of my knowledge.

Stanley A. Muzatko
Signature of Applicant

03-30-12
Date

Feel free to attach any additional documentation to this form.

WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE

Name: ROBERT E. MCINDOE

Date: 4/1/12

Mailing Address: W 670 KEARNEY ROAD

Phone: 262-763-4671

BURLINGTON, WI. 53105

I reside in: the Town of SPRING PRAIRIE
 the Village of _____
 the City of _____

Please consider me for appointment to: POTTERS LAKE DISTRICT BOARD

I am interested in serving as a citizen representative because: YOU HAVE AN
OPENING WHICH NEEDS TO BE FILLED, AND I HAVE
BOTH THE AVAILABLE TIME AND INTEREST

Special skills, experience or qualifications I possess related to this appointment are:

PAST SPRING PRAIRIE TOWN SUPERVISOR FOR 8-9 YEARS DURING WHICH TIME I
REPRESENTED THE TOWN ON THE HONEY LAKE DISTRICT BOARD, PLUS I'VE CONTINUED ON
THAT DISTRICT BOARD FOR THE PAST 8 MONTHS (SINCE AUG '11) AS A REP OF WALCO
Check one of the following: LAND CONSERVATION COMM.

I am a resident of Walworth County and reside in the appropriate jurisdiction to serve on the board or commission for which I am applying.

I am not a resident of Walworth County.

I certify that the information I have provided is truthful to the best of my knowledge.

Robert E. McIndoe 4/1/12
Signature of Applicant Date

Feel free to attach any additional documentation to this form.

WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE

Name: ROBERT W. ARNOLD

Date: MAR. 31, 2012

Mailing Address: NG202 FOSTER RD
ELKHORN WI 53121

Phone: 262-742-3303

I reside in: the Town of SUGAR CREEK
 the Village of _____
 the City of _____

Please consider me for appointment to: PLEASANT LAKE DISTRICT

I am interested in serving as a citizen representative because: I AM
INTERESTED IN THE WELFARE OF THE LAKE AND
I AM THE PRESENT WALWORTH COUNTY
REPRESENTATIVE.

Special skills, experience or qualifications I possess related to this appointment are:

I KNOW THE RULES AND REGULATIONS
CONCERNING LAKE DISTRICTS

Check one of the following:

I am a resident of Walworth County and reside in the appropriate jurisdiction to serve on the board or commission for which I am applying.

I am not a resident of Walworth County.

I certify that the information I have provided is truthful to the best of my knowledge.

Robert W. Arnold MAR 31, 2012
Signature of Applicant Date

Feel free to attach any additional documentation to this form.

WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE

Name: Joyce Reed Date: 4-7-12
Mailing Address: 3057 South St Phone: 262-642-3242
East Troy WI 53120

I reside in: the Town of _____
 the Village of East Troy
 the City of _____

Please consider me for appointment to: Potters Lake
Dist. Board

I am interested in serving as a citizen representative because: _____
Been there - done that - enjoyed it

Special skills, experience or qualifications I possess related to this appointment are:
Served on this board in the past

Check one of the following:

- I am a resident of Walworth County and reside in the appropriate jurisdiction to serve on the board or commission for which I am applying.
 I am not a resident of Walworth County.

I certify that the information I have provided is truthful to the best of my knowledge.

Joyce Reed 4-7-12
Signature of Applicant Date

Feel free to attach any additional documentation to this form.



MEMO

Date: December 9, 2010

To: Walworth County Land Conservation Committee

From: Staff
Walworth County Land Use and Resource Management Department

Re: **Nonmetallic Mining in a Farmland Preservation Area**

Land Use and Resource
Management Department

At the November 15, 2010 meeting, the Walworth County Land Conservation Committee directed the LURM Department Staff to contact the Wisconsin Department of Agriculture, Trade and Consumer Protection for guidance related to nonmetallic mining in farmland preservation areas. Responses were received from Keith Foye, DATCP and Professor Brian Ohm, UWEX.

The following is a summary of their responses:

1. **A landowner must still pay the rezone conversion fee**, even though the County Zoning Ordinance considers nonmetallic mining as a "temporary use and rezone".
2. Creating a nonmetallic mining overlay zoning district over a certified farmland preservation zoning district. (A-1) was suggested.
3. The State Legislature may consider legislation enabling Towns to have authority to approve and deny conditional uses.
4. As a matter of law, the conditional use process is not an opportunity to decide whether to allow or not allow a nonmetallic mining operation within a certain zoning district. The conditional use process is used to focus on what conditions should be placed on certain uses permitted within a zoning district.
5. The County's current approach with requiring a rezone to mineral extraction zoning district (M-3) actually gives the county and the Towns the ability to say "no" to a rezone petition to permit nonmetallic mining in certain areas.

Staff recommendations:

While the recommendations provided by Keith Foye and Brian Ohm raised some interesting suggestions, those options did not totally address the issue of Town veto authority for new mineral extraction sites, on a case-by-case basis in farmland preservation areas without rezoning.

After much discussion, the staff believes this issue is too big to address in the farmland preservation planning process and should be further explored and considered in the next up-date of the County Comprehensive Plan and Zoning Ordinance when Towns are fully engaged in the review of nonmetallic mining in farmland preservation areas.

After consideration of all options, the staff recommends the County continue following the Comprehensive Plan recommendations and the Zoning Ordinance regulations when a mineral extraction site is proposed in a farmland preservation zoning district. This recommendation is based on the following:

1. **Consistent with the findings approved with the County Comprehensive Plan, (Smart Growth Plan).**
2. **The current rezoning process, is the only mechanism that directly gives the towns and the public the ability to voice their concerns about nonmetallic mining on land zoned for farmland preservation.**

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

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A-1m Agricultural/Mineral extraction district.

(1) *Principal uses.* All uses in this **prime** agricultural district are conditional uses.

(2) *Conditional uses.* **Conditional uses listed below shall be limited to temporary, short term, and project specific where the farmland preservation land will be reclaimed to pre-existing (A-1) agricultural soil production conditions when extraction is completed,** and must be approved in accordance with the procedures established in division 4 (conditional use procedures).

- a. Aggregate or ready-mix plant. **(portable)**
- b. Clay, ceramic, and refractor minerals mining.
- c. Crushed and broken stone quarrying.
- d. Mixing of asphalt. **(portable)**
- e. Nonmetallic mining services.
- f. Processing of top soil. **(portable)**
- g. Sand and gravel quarrying.
- h. Washing, refining, or processing of rock, slate, gravel, sand or minerals. **(portable)**
- i. The extension of any existing mineral extraction related uses.

(3) *Yard requirements.*

All excavations shall be at least 200 feet from the right-of-way of any public or approved private street or property line. The Committee may vary this requirement for shallow clay barrow excavation when the excavation and backfilling is conducted in a continuous phase and the barrow material is replaced on site for the re-establishment of the original grade after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this Ordinance. In no case shall the setback requirement be reduced to less than 2 1/2 times the proposed maximum depth. All accessories, such as offices, parking areas, and stock piles, shall be at least 100 feet from any right-of-way or property line.

#3 - Nonmetallic Mining in Farmland Preservation Areas

The state farmland preservation program, (chapter 91, of the Wisconsin Statutes,) authorizes the County to allow nonmetallic mineral extraction in a farmland preservation zoning district, if conducted with a conditional use permit, if it is determined that all of the following apply:

- a) The operation complies state statutes and administrative rules, the County Nonmetallic Mining Reclamation Ordinance and any applicable requirements of the department of transportation concerning the restoration of the mining site.
- b) The operation and the location of the nonmetallic mining site in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- c) The operation and the location of the mining site in the farmland preservation district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
- d) The operation is reasonably designed to minimize the conversion of land around the mining site from agricultural use or open space use.
- e) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned or legally restricted to agricultural use.
- f) The farmland preservation zoning ordinance requires the owner to restore the land to agricultural use, consist with any required locally approved reclamation plan, when extraction is completed.

Current Policy adopted in the Comprehensive Plan (Page X-7)

The land use element of this comprehensive plan designates certain lands for mineral extraction, largely following existing M-3 Mineral Extraction zoning. Additional land for mineral extraction (sand, gravel, clay, stone) may be needed during the planning period, although the specific locations have not been determined. The County and the concerned town will consider proposals for new or expanded mineral extraction areas on a case-by-case basis, taking into account the impacts on adjacent land uses, impacts on the natural resource base, impacts on highways, and other factors. All such proposals will be subject to the County zoning ordinance and non-metallic mining reclamation ordinance. These areas will have to be rezoned into the M-3 Mineral Extraction zoning district and receive a conditional use permit. Such uses will be accommodated without amending the comprehensive plan. The property will be rezoned back to the original zoning following reclamation.

Public Opinion:

The policy of allowing nonmetallic mining as a conditional use in the A-1, Prime Agricultural Land District, was discussed extensively during the preparation of the County Comprehensive Plan by the Smart Growth Advisory Committee. The Advisory Committee included representatives from each Town. The Towns were not in favor of allowing mining in A-1 Prime Agricultural Land District, as a conditional use and wanted to maintain their zoning authority over nonmetallic mining activities.

Policy Consideration: Should the Farmland Preservation Plan recommend a new policy related to nonmetallic mining in Agricultural Preservation Areas, by allowing nonmetallic mining with a County-approved Conditional Use Permit?

Advantages of allowing nonmetallic mineral extraction activities within a farmland preservation zoning district with a County-approved Conditional Use Permit.

1. No need to rezone property back to original zone district after mining site has been successfully reclaimed to an agricultural use.
2. Property owner would not have to pay the rezone agricultural conversion fee if nonmetallic mining activities are conducted on parcel within a farmland preservation zoning district.
3. Generally nonmetallic mining is a temporary use.

Disadvantages of allowing nonmetallic mineral extraction activities within a farmland preservation zoning district with a County-approved Conditional Use Permit.

1. Towns would give up veto power enabled by a rezoning petition or action.
2. Inconsistent with the findings approved with County Comprehensive Plan.
3. Comprehensive Plan amendment necessary.

Other considerations:

Counties can be more restrictive than the state minimum standards.

State has not adopted Administrative Rules related to non metallic mining in an farmland preservation areas.

Staff recommendation memo dated, December 9, 2010.

12/20/2010 Land Conservation Committee Decision and Decisions:

The committee asked the staff to explore and consider establishing a new zoning district (A-1m) for allowing mining in a agricultural preservation area with a County-approved conditional use permit.

Policy Consideration:

Should the Farmland Preservation Plan recommend creating a new agricultural nonmetallic mining zoning district applicable within the Farmland Preservation Areas to allow the extraction and processing of nonmetallic minerals?

See attached opinion from Keith Foye, DATCP, dated January 4, 2011, regarding creating a an additional farmland preservation zoning district that would allow for nonmetallic mining.

See attached *Draft Agricultural/Mineral Extraction Zoning District , A-1 (m)* prepared by Debora Grube, Walworth County Zoning Manager.

Advantages of creating new Farmland Preservation Zoning District, A-1m Zoning District to allow nonmetallic mining in Farmland Preservation Areas.

1. Mining in an Agricultural Preservation Area would continue to require a rezone petition and be subject to local Town approval.
2. The rezoning of the farmland/agricultural preservation zoning district to the Farmland Preservation Mining District would not be subject to a rezone conversion fee.
3. Would limit mineral extraction in farmland preservation areas for limited or short-term duration and project specific uses.
4. May not require an amendment to the Comprehensive Plan.

Disadvantages:

1. Will require an amendment to the Comprehensive Plan.

2. The decision to create a new farmland preservation zoning district is a direct response to the state rezone conversion fee.

2/14/2011 Land Conservation Committee Decision and Decisions:

The Land Conservation Committee approved a motion that the Farmland Preservation Plan update recommend the County Zoning Agency consider establishing a new zoning district, *Agricultural/Mineral Extraction Zoning District, A-1 (m)* (see attachment) to allow nonmetallic mining in an agricultural preservation area.