



MINUTES

ROCK COUNTY LAND CONSERVATION COMMITTEE Wednesday April 7, 2021, 7:15 P.M. Virtual Meeting - Zoom

- Call to Order:** Chair Bostwick called the meeting to order at 7:15 pm.

Committee Members Present: Stephanie Aegerter, Rich Bostwick, Wes Davis, Kaelyb Lokrantz, Mike Mulligan, James Quade, Genia Stevens and Alan Sweeney.

Committee Members Excused: None

Others Present: Matt Johnson (Land and Liberty Coalition) Supervisor Rick Richard, Supervisor Mary Mawhinney, Doug Rebout, Kirk Leach, Chris Murphy, Andrew Baker
- Approval of Agenda:** Supervisor Mulligan moved to approve the agenda as presented, seconded by Supervisor Lokrantz. **Motion carried unanimously.**
- Approval of Minutes – March 3, 2021 LCC meeting.** No corrections or clarifications were suggested. Supervisor Davis moved the approval of the minutes, seconded by Supervisor Aegerter. **Motion carried unanimously.**
- Citizen Participation, Communications, and Announcements:** Andrew announced the Farmers on the Rock Field Day that will be held from 10 am to 12 pm at Rebout Farms. Event will be held live in person and via zoom. Supervisor Sweeney read an email from constituent Leo Johnson opposed to Agricultural Related Sales Taxes being used to fund groundwater testing and treatment for Nitrates (as included in proposed Resolution on the agenda).
- Review Bills Paid:** Discussed the bill for payment to Wisconsin DNR. Andrew explained it is fees that we collect on behalf of the DNR for their support of the Nonmetallic Mine Reclamation Program.
- Informational Item.** Proposed Renewable Energy Projects in Rock County. Presented by Matt Johnson, Field Operations Director for the Wisconsin Land and Liberty Coalition.

Mr. Johnson provided a power point presentation to the LCC and those in attendance. He explained that he works for a non-profit organization that promotes the benefits of renewable energy production. Wisconsin Land and Liberty Coalition does not work directly for any specific company, but rather is funded by donors and others who have interest in these projects coming to fruition (including project developers). They focus on the economic benefit of the projects, not only to landowners but also local governments and school tax districts based on the share revenue. The LCC had questions about property tax payments, removal/decommissioning practices, etc. Supervisor Stevens and Lokrantz had a questions about recently polling data showing support for renewable, notably the sample size and demographic nature of the respondents. Supervisor Mulligan voiced concern about a landowner making an individual decision about where these projects should be located without concern for the best landuse on prime agricultural soils. Supervisor Sweeney had specific questions about whether battery storage was being proposed at any sites in Rock County. Mr. Johnson said not at this time, but could be proposed in the future. Supervisor Davis noted that the PSC Public Hearing for the Darien Solar Project will be held April 22nd at 1 pm and 6 pm. Mr. Johnson shared the meeting zoom information in the chat.

7. **Action Item. Resolution** Directing Rock County Staff to Explore the Feasibility of Creating Program to Address Nitrate Mitigation in Rock County's Ground Water.

Andrew confirmed that the LCC has the most recent version on the resolution, which excludes the reference to Agricultural Sales Tax and includes Sales Tax revenue in general.

Supervisor Richard introduce the Resolution before the LCC for discussion and possible action, which effectively is asking Staff to study the possible of funding sources/programs to assist landowner with the cost of well testing and possible remediation of high nitrates with system such as reverse osmosis (cost of approximately \$800 per system, plus maintenance).

Supervisors Davis and Sweeney voiced preference that the LCC should take more time to work through this complex issue, included allowing the Ground Water Nitrate Workgroup to complete the study of science based remediation to this concern. That work in the field is truly just getting started. Supervisor Mulligan echoed that the Nitrate Workgroup should weigh in on this resolution. Doug Rebout, Rock County resident and member of DATCP Board of Directors also relayed that this issue is being worked on a various levels and that homeowners should have some personal responsibility for the considerations of living with private well systems. Cannot necessarily just point to one source for the problem. Supervisor Richard recognizes the efforts that the Group is making, but may decades for implementation and impact to groundwater quality. This is Resolution is intend to help address concerns immediately on an individual well basis. Supervisor Aegerter noted that this Resolution is not approving a funding program, but rather simply directs staff to consider it and research options. Supervisor Stevens relayed the point that property owners have many expenses, especially when just purchasing a property, shouldn't assume everyone can afford treatment options.

After further discussion, Supervisor Sweeney made a motion to table action and send to the Nitrate Workgroup at their next meeting for review and possible recommendation, seconded by Supervisor Mulligan. **Motion carried unanimously.**

8. **Action Item:** Request for Erosion Control and Storm Water Management Permit Fee Waiver – Humane Society of Southern Wisconsin.

Andrew referred to the applicant's letter in the packet. The request is being made to waive the required permit fee for a project that has not been started after being permitted approximately 18 months ago. A six month extension was granted by the LCC in the past, but only one extension is allowed by Ordinance. Therefore, in order to proceed with the project a new permit must be obtained. Since the full permit fee was paid with the original permit (not utilized) and nothing about the designed has changed requiring additional staff time, staff is recommending that the fee be waived in this case. Supervisor Mulligan voiced concern that the COVID pandemic is being used as an excuse for not getting projects done and the LCC has seen too many extensions and waivers in the past few months. He stated applicants should be prepared to complete a project when they apply for the permit(s). Supervisor Stevens asked if it is true that sales tax revenues are generally up in the past year. Chair Bostwick confirmed that is the case. Supervisor Stevens stated this is one small way that the County can help business/individuals that have been impacted by the pandemic.

Supervisor Davis made a motion to approve the fee waiver request, seconded by Mr. Quade. **Motion carried on a 7-1 vote (Mulligan no).**

9. **Action Item:** Request for Erosion Control Permit Waiver – Yoss Construction

Landowner Bill Yoss was in attendance to discuss the project. Essentially, he is in the process of filling in a portion of a former gravel pit. The process started about fifteen years ago and has

taken time because he is particular on the material that is brought it. The site also contains a small landfill area that is a delisted Superfund site. There are no restrictions on filling over that landfill, just excavating into it. The amount of fill/grading that has been done recently is enough to require a Construction Site Erosion Control Permit. A plan and permit were obtained when the project first started, but the permit is only valid for one year. The landowner is requesting a waiver of the permit requirements because this is a reclamation project, just not requirement by the County Ordinance because the pit was not mined after 2001. Chris Murphy explained to the Committee the waiver request and his discussions with the landowner. Supervisor Mulligan asked for an estimate of the amount of time the landowner thinks it will take to complete the fill work. Mr. Yoss estimated 10 years depending on the availability of material. Staff is supportive of the waiver request so long that there is no offsite impact and the site is sufficiently stabilized in way that is similar to any reclamation project.

Supervisor Sweeney made a motion to approve the waiver request, seconded by Mr. Quade.
Motion carried unanimously.

The Committee suggested that Staff develop a policy to address reclamation of former mine sites that are not subject to the Reclamation Ordinance, which would include standards/criteria that justify not requiring an Erosion Control Permit for the project.

10. **Action Item:** Requests for Erosion Control and Storm Water Management Six Month Permit Extension

a. ECSW 2020-7: Frog, LCC – Salvage Yard Reconstruction (Contractor Delays)

Chris explained that project is under way, simply delayed based on the contractor's schedule. There are no compliance issues.

Supervisor Lokrantz made a motion to approve the extension request, seconded by Mr. Quade.
Motion carried unanimously.

b. ECSW 2020-9: Justin Fox – Shooting Range (Delays related to obtaining zoning approval)

Chris explained that the landowner obtained the County permit for the project, began the work, but that was stopped due to not having Town approval for the proposed land use. This occurred in June/July of 2020. The landowner is requesting an extension to have time to obtain Town approval and complete the project. At this time, there is no evidence that an application has been made to the Town.

Supervisor Mulligan made a motion to table the extension request until such time that the Town has approved the project, seconded by Mr. Quade. **Motion carried unanimously.**

Staff will monitor the site and require immediate stabilization if timely application to the Town is not made and/or the Town denies the zoning request. If needed, Staff will discuss the legal authority to regulate the site if the Permit has expired.

11. **Informational Item:** Review of 2020 WPDES-MS4 Annual Report

Andrew reference the annual report, which is included in the agenda packet. The report will also be added to the website for the public to view. The report is require to be submitted to the DNR to document compliance with the County WPDES-MS4 permit. No action necessary, but the Committee is encouraged to review and send any questions to staff.

12. **Action Item.** Land and Water Resource Management Program: Approval of 2021 Cost Share Agreements

- LR-002.21 – Hillison Grassed Waterway
- LR-003.21 – Collins Lined Waterway
- LR-004.21 – VanderVeen LLC Lined Waterway
- LR-005.21 – Kitzman Trust Grade Stabilization

- LR-006.21 – Wehinger Critical Area Stabilization

Supervisor Sweeney made a motion to approve the five Cost Share Agreements, seconded by Mr. Quade. **Motion carried unanimously.**

13. **Action Item:** Review and Approval of Rock County 2021 Annual Work Plan for submittal to DATCP

Andrew explained that the Work Plan is required as a component of the funding we receive from DATCP. It includes priorities and goals for each and is based on the Land and Water Resource Management Plan, which was updated a couple years ago.

Supervisor Aegerter made a motion to approve the Work Plan, seconded by Supervisor Lokrantz. **Motion carried unanimously.**

14. **Action Item:** Review and Approval of Soil and Water Resource Management (SWRM) Grant Application

Andrew explained that this Grant application is for 2022 and includes request for staffing, Bond (hard practices) and SEG (Nutrient Management) funds. Staff funding request are based on 2020 staff costs. The state-wide goal is to fund three staff people per County. In Rock County it is usually short of that. The 2021 staff grant is around \$164,000. The only requirement is that the funding must be used for staff that spend 100% of their time on conservation related tasks. Therefore, the Director cannot be considered funded by this source because the position is shared with Planning and Development. The request for Bond and SEG funds is similar to the request made in the past.

Supervisor Sweeney made a motion to approve the Grant Application, seconded by Supervisor Aegerter. **Motion carried unanimously.**

15. **Informational Item:** Purchase of Agricultural Conservation Easements

Andrew noted that acquisition was proceed on the applications approved in 2020. Appraisals will be done soon.

16. **Adjourn:** Supervisor Davis made a motion to adjourn at 9:24 pm, seconded by Supervisor Lokrantz. **Motion carried unanimously.**

Respectfully Submitted,

Andrew Baker
Director

Minutes are not official until adopted by the Land Conservation Committee.

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