

Agenda
Jefferson County Land & Water Conservation Committee (LWCC)
"Working Together to Protect & Enhance the Environment"
Jefferson County Courthouse, 311 S Center Ave - ROOM 112
Jefferson, WI 53549-1701
Wednesday, May 21, 2014 ~ 8:30 a.m.

Committee Members: Frank Anfang, Matthew Foelker, Peter Hartz, Ed Morse, Carlton Zentner

1. Call to Order
2. Roll Call (Establish a Quorum)
3. Election of Offices
4. Set Meeting Schedule
5. Certification of Compliance with the Open Meetings Law
6. Review of the May Agenda
7. Review and Approval of the March 19, 2013 Meeting Minutes
8. Communications
9. Citizen Comments
10. Land & Water Conservation Committee (LWCC) Overview of Departmental Operations
11. Select reps for WLWCA Southern Area
12. Natural Resources Conservation Service Report (NRCS)
13. Notice of Noncompliance - Farmland Preservation Program (FPP)
14. Cancellation of Noncompliance - Farmland Preservation Program (FPP)
15. Farmland Preservation Program Rule Change
16. Emerald Ash Borer Update
17. Manure Storage Ordinance Update
18. Tree Sale Update
19. Monthly Financial Report
20. Set Next Meeting and Possible Agenda Items
21. Adjournment

Note: If committee members are not able to attend please notify the LWCD

The committee may discuss and/or take action on any item specifically listed on the agenda. Individuals requiring special accommodations for attendance at the meeting should contact the County Administrator at 920-674-7101 24 hours prior to the meeting so appropriate arrangements can be made.

Land & Water Conservation Committee
Minutes
March 19, 2014

1. Call to Order:

The monthly meeting was called to order by Walt Christensen at 8:32 a.m. Committee members Frank Anfang, Sarah Bregant, Walt Christensen, and Matthew Foelker were present. Carlton Zentner was excused. Also in attendance were Mark Watkins, Director, Land & Water Conservation Department (LWCD); Kim Liakopoulos, LWCD; Nancy Lannert, LWCD; Ben Wehmeier, County Administrator; and John Molinaro, County Board Chairman/Supervisor. Dennis Vollmer, NRCS was absent.

2. Roll Call (Establish a Quorum):

A quorum was established.

3. Certification of Compliance with the Open Meetings Law:

It was determined that the committee was in compliance with the Open Meetings Law.

4. Review of the March Agenda:

The March agenda was reviewed by the committee members.

5. Review and Approval of the February Meeting Minutes:

Sarah Bregant made a motion to approve the February meeting minutes as written, Matt Foelker seconded. Motion carried 4/0.

6. Communications:

There were no communications at this time.

7. Citizen Comments:

There were no citizen comments.

8. Biomass Production on County Land: Greg David

Walt Christensen requested the committee move this item closer to the end of the meeting. The committee agreed to change it to Item # 16.

9. Natural Resources Conservation Service (NRCS) Report:

See attached. Dennis Vollmer was absent.

10. Farmland Preservation / Working Lands Report: Nancy Lannert

Nancy Lannert discussed the Farmland Preservation Program and Working Lands Initiative. See attached.

11. Notice of Noncompliance with Soil and Water Conservation Requirements - Farmland Preservation Program (FPP):

Voluntary Non-Participation: Mary Adams, John I & Sally L Mason, Steven & Christine Mason and, Bonnie Willson

Sarah Bregant made a motion to accept the voluntary non-participation notices, Matt Foelker seconded. Motion carried 4/0.

12. Cancellation of Noncompliance - Farmland Preservation Program (FPP):

Norbert Miller Trust

Walt Christensen made a motion to accept the cancellation, Sarah Bregant seconded. Motion carried 4/0.

13. Non-Metallic Mining Legislations: Walt Christensen

Walt Christensen attended a discussion in Madison in regard to Bill SB632. The bill is at a standstill at this time. Walt Christensen will keep the committee updated as more information is available.

14. WLWCA Resolutions Given at Annual Convention: Mark Watkins

Both Mark Watkins and Walt Christensen attended the convention. See attached resolutions.

15. DATCP's Response to Final Revisions of the Animal Waste Storage Ordinance: Mark Watkins

No official response at this time. The revisions are in process with DATCP.

16. Moved from Item # 8: Greg David

Greg David gave a presentation introducing the committee to Biomass. See attached. No action needs to be taken at this point. Biomass will be discussed again during the April meeting.

17. Monthly Land & Water Conservation Department (LWCD) Financial Report: Mark Watkins

The most recent statements of revenues and expenditures were distributed. See attached. Mark Watkins showed that LWCD is right on track with the budget.

18. Set next meeting and possible agenda items:

It was decided by the members that the next regularly scheduled meeting of the Land & Water Conservation Committee will be held on April 16, 2014 at 8:30 a.m. in Room 112. Possible agenda items include: Resolution for Biomass.

19. Adjournment

Frank Anfang made a motion to adjourn at 9:40 a.m., Matt Foelker seconded. Motion carried 4/0.

DATCP REPORT

May 2014

ATCP 50

- The revised ATCP 50 became law on **May 1, 2014**, and is now available online¹
- DATCP developed guidance for SWRM grants², ATCP 50, and FPP Conservation Compliance, and revised forms and other detailed guidance documents which are all available on our website³

Soil and Water Resource Management Grants

- This spring, DATCP will start a lean six sigma project to evaluate options for streamlining the process for submission and processing of staffing grant reimbursement requests.
- DATCP will share 2015 grant application information with LCDs who will have one month to review the data for accuracy. Contact Stacy Leitner and Kim Carlson with questions or to request changes.

Land and Water Resource Management Plans

- DATCP and DNR are communicating about how to incorporate required sec. 319 elements into LWRM plans. DNR employee Andrew Craig has been hired to work with interested counties.
- DATCP revised the LWRM plan approval checklist with input from DNR, which is available online⁴

Nutrient Management

- As counties request NM Checklists from farmers or planners for any program including county manure storage ordinances, please make sure that you are asking for a NM Checklist that represents an actual, updated plan. DATCP will again be pulling plans for review for the Quality Assurance Team process this July and we require that an actual NMP is behind each checklist submitted. Planners are required under ATCP 50.48(6) to retain and submit NMPs and related records when requested. If you have questions regarding checklist submissions and reporting to DATCP, please contact Sue Porter at sue.porter@wi.gov, or 608-224-4605.
- A new brochure is available that tells NM planning success stories from the perspective of 4 WI farmers or farm families. Copies are available by request from DATCP or the Nutrient and Pest Management program or can be downloaded from NPM's website⁵.
- NMFE grant contracts for DATCP awards for the 2014 grant year have been sent out and many counties have signed and returned them already. Others who have not should do so soon. Reimbursement forms will be sent out around July 1, 2014 for grant recipients to begin requesting reimbursement from DATCP for their NMFE program activities. Counties MUST first spend all of their 2013 (Year 1) awards that were given through the UW-Extension.

Livestock Facility Siting

- DATCP will host a listening for local government stakeholder groups on Wednesday, May 21st to identify what works under the siting law and what does not. WLWCA and WCCA are among the invited participants.

Agricultural Enterprise Areas

- In 2014, DATCP received 5 petitions for AEA designation. Four petitions request designation of new AEAs in Monroe, Outagamie, Columbia and Clark counties, and one request modifies the Heart of America's Dairyland AEA in Clark and Marathon counties.

¹ http://docs.legis.wisconsin.gov/code/admin_code/atcp/020/50

² <http://datcp.wi.gov/uploads/Environment/pdf/ATCP50RuleUpdate.pdf>

³ <http://datcp.wi.gov/ATCP50>

⁴ http://datcp.wi.gov/Environment/Land_and_Water_Conservation/Land_and_Water_Resource_Management_Plans/

⁵ <http://ipcm.wisc.edu/downloads/nutrient-managment/>

- DATCP will work with an evaluation team in late May to review submitted petitions and provide designation recommendations to the Secretary. AEAs designated by DATCP in 2014 will go into effect on January 1, 2015.
- The bill to increase the state's authority to designate AEAs from 1 million acres to 2 million acres passed both houses and was signed into law by the Governor in late April.

Farmland Preservation Program

- DATCP sent out county farmland preservation grant applications to the 4th round of grants, counties with FPP plan certification expirations of December 31, 2014. Applications are **due May 15th**.
- DATCP recently certified the Columbia County Farmland Preservation zoning ordinance.

Conservation Reserve Enhancement Program

- DATCP anticipates that CREP will resume operation and expects minor changes in FSA guidelines. DATCP will provide additional notice closer to the date funding becomes available.

Outreach and Training Events

- DATCP staff recorded webinar for March 25th SWRM grants training, which can be viewed [here](#)⁶.
- Thursday, May 22nd DATCP and DNR plan to host a recorded webinar regarding the changes to ATCP 50 and Farmland Preservation Soil and Water Conservation Standards. Guidance and new forms related to the changes in ATCP 50 that affect FPP Conservation Requirements are available on DATCP's [FPP website](#)⁷. Information on how to join the webinar will be sent out in mid-May.

Staff Updates

- In April, Alison Volk accepted the position of Section Chief for the Land Management Section in the Bureau of Land and Water Resources and now oversees the section's work on farmland preservation programs and the Conservation Reserve Enhancement Program. Alison started at DATCP in 2009, first working as an LTE and then serving in the lead role for certifying farmland preservation plans and ordinances. Prior to working for DATCP, she served as a law clerk for a Madison law firm. Alison holds a law degree from UW-Madison and an undergraduate degree from New York University. Please join us in welcoming Alison to her new role!
- Todd Boehne is resigning from his position as State Soil and Water Conservation Engineer to pursue another opportunity with POET, LLC in Sioux Falls, South Dakota. We thank Todd for his leadership and dedication to providing technical and conservation services for the citizens of Wisconsin and wish him the best with his future endeavors!

Other Updates

- DNR's nutrient management specialist position is now posted for recruitment. Please help get the word out to attract a good pool of candidates. The job announcement can be found here: http://wisc.jobs/public/job_view.asp?annoid=73716&jobid=73231&org=370&class=55972&index=true
- UWEX NMP program staff wrote a Wisconsin Crop Manager Newsletter highlighting SnapPlus "how to" videos. A link to the article can be found [here](#)⁸. You can sign up for the Wisconsin Crop Manager by sending an email to: ag_wcm_news-request@lists.uwex.edu

⁷ http://datcp.wi.gov/Environment/Working_Lands_Initiative/Soil_Water_Compliance/index.aspx

⁸ http://ipcm.wisc.edu/download/wcm-pdf/WCM2014/WCM_6.pdf

LAND AND WATER CONSERVATION DEPARTMENT AUTHORITY, POLICIES, AND PERSONNEL

This document is a brief overview of the activities and authorities of the Land & Water Conservation committee and department. It is not all inclusive or construed as such.

AUTHORITY

The Land & Water Conservation Department (LWCD) was formally named such in July 1999 although the history of the office dates back to December 18, 1946 when the Jefferson County Board of Supervisors first created what was then called the Soil and Water Conservation District. The Department is supervised by the Land & Water Conservation Committee (LWCC), originally LCC, which was established by County Board Resolution No. 82-34 on June 8, 1982 subsequent to changes in Chapter 92 of the Wisconsin Statutes which eliminated the District, County Board Resolution 82-73 adopted in October of 1982 further defined powers and procedures to be followed by the LWCC.

The purpose of the Land & Water Conservation Department is to provide for the conservation and wise use of the soil and water resources of the County. Various programs and activities as identified each year in the Land & Water Resource Management Plan are undertaken in conjunction with cooperating agencies in order to carry out this purpose as well as to fulfill a multitude of local, state, and federal mandates. Typical programming includes items such as: Information and Education, Soil Erosion Control, Farmland Preservation Program, Livestock Siting Law, Non-metallic Mining, State & Local Cost Share Programs Federal Farm Bill Programming assistance, Soil Stewardship Program, Non-point Source Pollution Abatement, and various Resource Enhancement Programs.

Typical activities include items such as: recognition of outstanding cooperators, education outreach, dissemination of soil survey and other important environmental information, development of conservation farm plans, Program Inspections, Administration of County Farm Lands, engineering assistance in the design and installation of conservation practices, resource inventory and evaluation, grant development, cost share assistance, tree planter rental, tree seedling reforestation, and assistance to other units of government.

82-34: Land & Water Conservation Committee: This Committee shall be comprised of three (3) members, one of whom shall be the chairperson of the County Farm Service Agency Committee or a member designated by the chairperson of the Farm Service Agency Committee. The remaining members of the Committee shall include at least two (2) County Board members who are members of the Agriculture and Extension Education Committee.

IT SHALL BE THE DUTY OF THE COMMITTEE:

- A. To perform the functions and exercise the power as set forth in Section 92.07 of the Wisconsin Statutes, as repealed and recreated by 346, Laws of 1982.

- B. To employ and supervise County Soil and Water Conservation staff, which shall be known as the Jefferson County Land & Water Conservation Department, which said Department and staff shall be responsible for the administration of the County Soil and Water Conservation Programming, and which said Department and staff may exercise the powers granted to the Land & Water Conservation Committee.
- C. To exercise other functions and powers as set forth in Chapter 92 of the Wisconsin Statutes, including the review and approval of land conservation plans as maybe required for tax credit certification under the Farmland Preservation Program.
- D. The Jefferson County Land & Water Conservation Committee shall submit an annual report to the County Board for review and approval or disapproval.
- E. The Chairperson of the Land & Water Conservation Committee is authorized to sign contracts, memoranda of understanding or other agreements relating to Land & Water Conservation Committee activities and programs, provided these documents relate specifically to activities and programs described in the Land Water Resources Management Plan.
- F. The Land & Water Conservation Committee shall ensure that the plan contains specific and measurable objectives and procedures.
- G. Not with standing any plan approval, the Land & Water Conservation Committee may not undertake the following program activities without separate county board approval for example:
 - 1. Major watershed projects.
 - 2. Major new cooperative agreements (such as one between the LWCC and NRCS).

If, during the course of the year, the Land & Water Conservation Committee desires to undertake an activity or program not identified in the plan, the LWCC may make a special request for County Board approval of the activity or program, but may not undertake the activity or program without prior approval.

MAJOR ADMINISTRATIVE POLICES:

- 1. Monthly meeting will be held the third Wednesday of each month, to develop and carry out programs, financial, and other affairs of the Committee.
- 2. Cooperation with other agencies, committees, departments, and planning groups in furthering resource conservation programs of mutual concern will be undertaken.
- 3. Membership and Participation and Annual Dues to the Area and State Conservation Associations will be continued. The Audit Committee has prohibited authorization of payment for National Association participation.

4. Memorandums of Understanding with cooperating agencies will be reviewed annually and may contain additional agreed to policy statements.
5. Annual Report - will be presented to the Jefferson County Board of Supervisors as scheduled by the County Administrators Office.
6. The County Conservationist is designated as a county department head and will run the day to day activities the Land Conservation Department under the overall supervision of the Land & Water Conservation Committee.
7. Currently used Jefferson County Land & Water Conservation Department cooperator agreement forms are the basis of providing technical assistance to land users, units of government, groups, and others. Any Land & Water Conservation Committee supervisor may sign the agreement form on behalf of the Committee, after the agreement has been accepted by motion of the and Conservation Committee.
8. Cancelled Conservation Plans and Cooperator Agreements will be disposed of if deemed of no further value to the department or cooperating agencies.
9. The Land Conservation Committee will assist in determining priorities and recommendations to all agencies and groups engaged in conservation work.
10. Environmental Assistance Priority will be given to land users (groups of individuals)in the Farmland Preservation, Priority Watershed and Federal Conservation Programs. USDA Natural Resource Conservation Service (NRCS) assistance within their Federal Farm Bill responsibilities will be given to land users as a result of ACP, CRP, WRP, and/or conservation compliance requirements as appropriate.
11. Field Work Technical Assistance, Inspections General landowner assistance. Other priorities will be guided by the Land & Water Control Plan

PERSONNEL:

Permanent staff for the Department includes a County Conservationist, two Resource Conservationists (FPP and NR151), a Administrative Clerk and Geographic Information System Technician, and a Water Resource Management Specialist. The County Conservationist serves as the department head as well as fulfilling technical and administrative functions which meet criteria established by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). Both of the Resource Conservationist positions and the GIS Technician position are at least in part DATCP 92.14 Grant funded positions dealing with the Farmland Preservation Program, Erosion Control and data management work respectively.

The U.S. Department of Agriculture – Natural Resource Conservation Service (NRCS) maintains positions in the county including a District Conservationist and a clerk. The District Conservationist, as head of the local NRCS office, is responsible for all technical matters including the interpretation and maintenance of SCS engineering standards and specifications.

LWCD CURRENT PERSONNEL:

Name / E-Mail

1. Mark Watkins ~ markw@jeffersoncountywi.gov
2. Kim Liakopoulos ~ kiml@jeffersoncountywi.gov
3. Nancy Lannert ~ nancyl@jeffersoncountywi.gov
4. Joe Strupp ~ joes@jeffersoncountywi.gov
5. Gerry Kokkonen ~ gerryk@jeffersoncountywi.gov
6. Patricia Cicero ~ patriciac@jeffersoncountywi.gov

Jefferson County Board Report
5/21/2014

EQIP practices in progress

- NRCS is in the process of contacting 13 - 2013 planned NMP's to receive the final plan for review and payment
 - NRCS has completed payment on 5 NMPs
 - Certified 9 NMPs
 - Waiting to receive 4 additional NMP's
- Brendon is working with contractors on practice installations
 - 1 project site washed out completely during the storms on 5/12
- Approximately 4 other sites to complete work on this spring and several more throughout the summer

2014 EQIP signup

- Application deadline was December 20, 2013
 - 23 applications were received
- Ranking deadline was the week of 1/21/2014
 - Due to the new farm bill announcements have not been made for who will receive contracts as of yet
 - NRCS is still struggling with the new Toolkit 7 upgrade to plan out the applications (As is LCD), but progress has slowly been accomplished for writing new plans
- The obligation date of 2014 contracts is still not known
 - Possibly late May/early June

Conservation Stewardship Program (CStP)/Conservation Security Program (CSP)

- February 17th was the CStP, new application, deadline
 - Jefferson County only received 1 new application

General

- Wetland/HEL Determination requests to complete: (Jefferson/Rock/Elkhorn counties)
 - ~10-15 have yet to be looked at or are being reviewed, but not yet completed
 - 2-3 are waiting to be digitized
 - 0 are waiting to be approved/signed
- The past couple of months has consisted of: EQIP contract reviews, 2014 EQIP application designing in toolkit, 2014 EQIP planning, WRP (Wetland Restoration Program) monitoring review work, CStP contracting, 2014 Compliance Review preparation (Jefferson has 41 reviews, Rock has 31), Construction field work
- The next month should consist of: 2014 EQIP contracting, WRP monitoring field reviews, 2014 construction work, 2013 NMP reviews/payments, 2014 Compliance Reviews
- Zachary Thayer has been volunteering for the Jefferson NRCS office during the past few months
 - Working Fridays and Monday afternoons
 - Zach is a junior at UW Whitewater
- Laura Watson (SC) has accepted the Luxemburg, WI SC position
 - Laura left on maternity leave (5/1)
 - Jefferson is no longer likely to get the Soil Conservationist position back filled
- Brendon Blank (Jefferson SCT) is now back to work. His wife had twins on 4/18/2014
- Jefferson WRP workload will now be the duties of the Jefferson staff
- Greg Igl (Elkhorn DC) has been re-assigned as acting Area Resource Conservationist (Brian Briski's old job)
 - Rock DC will now also be acting as Elkhorn DC
- With the new Farm Bill there is still much uncertainty
 - This will cause many delays in 2014
 - IE -No contract obligation can occur at this time amongst other work
- There have been several training for NRCS staff to attend



State of Wisconsin
Governor Scott Walker

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

March 28, 2014

Mark Watkins, County Conservationist
Jefferson County Land and Water Department
311 S Center Ave., Rm. 113
Jefferson, WI 53549-1701

Walt Christensen, Chair
W7057 Pond Road
Fort Atkinson, WI 53538

Dear Mr. Watkins and Mr. Christensen,

We know your department is working hard to assure that the many farmers in Jefferson County that participate in the Farmland Preservation Program (FPP) will comply with the conservation requirements. ATCP 50.16 (4) Wis. Admin. Code requires the county land conservation committee to issue a Certificate of Compliance to a landowner claiming the \$5, \$7.50, and \$10 per acre rate tax credits under s. 71.613, Stats. The Department of Revenue (DOR) records show 632 landowners received \$727,372 in tax credits in tax year 2012. Your department has issued 93 Certificates of Compliance. Landowners must attach their Certificate of Compliance with their tax return by 2016, or the DOR may assume they have not been in contact with your office and are not eligible for these credits. The information below lists our records for your county.

| All Certificates of Compliance (FC-A) issued | Claimants Needing Certificate of Compliance | 2012 DOR Total claims | 2012 DOR FC claims | 2012 DOR FC-A Claims | 2012 DOR Total Acres | 2013 NM Plan acres reported | NM Plan Acres needed [DOR 2012 Claimed acres(minus) NMP acres reported in 2013] | 2012 DOR Total FPP Credits \$ |
|--|---|-----------------------|--------------------|----------------------|----------------------|-----------------------------|---|-------------------------------|
| 93 | 539 | 632 | 91 | 541 | 99,539 | 126,030 | -26,491 | \$727,372 |

Please let us know what we can do to help you. We can compare your list to the Department of Revenue's and send a letter on your behalf to landowners that are not on your list asking them to contact your office. The letter would be in the county's envelope with your postage.

To assist with tracking nutrient management (NM) plans, Sue Porter of our staff provided the conservation office with a spreadsheet last fall. You can fill that spreadsheet out as nutrient management plans come in for the 2014 growing season as a way to track compliance with this performance standard in lieu of sending us the NM Checklist. Contact Sue at sue.porter@wi.gov or (608)224-4605, if you would like her to send the NM tracking file again or if you have questions. She is requesting this spreadsheet be returned by July 1, 2014 so plans can be reviewed this summer.

Sincerely,

Keith Foy, Director
Land and Water Resources
(608) 224-4603

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Summary of Proposed Revisions to the Animal Waste Storage and Nutrient Management Ordinance

Several changes to the ordinance were made to clarify requirements and to acknowledge the Livestock Siting requirements in the Zoning Ordinance. In addition, language was added to about the State's agricultural performance standards that the county implements. Other noteworthy changes are highlighted below.

Section 2: Definitions

- Definitions were added and amended to be consistent with definitions in State rules and statutes.

Section 3: Activities Subject To Regulation

- The cost-sharing requirement language was deleted because the State rules on cost sharing have become more complicated. The requirements are related to various dates of operation and do not cover all practices (such as closure of manure storage for structures constructed on or after October 2002). Staff will continue to provide cost-sharing to farms according to the State rules.
- Language was added to require storage facilities that are threatening public health, groundwater, or fish and aquatic life to be upgraded, replaced, or abandoned.

Section 5: Application for and Issuance of Permits

- The fee structure was changed from a flat fee of \$100 to a fee structure based on the size of the structure.
- Current language only requires that a nutrient management plan be submitted as part of the permit application. New language makes it a requirement that farms submit an annual nutrient management plan update to the LWCD.
- The current ordinance does not address setbacks of manure storage structures. Language was added to make the manure storage structure setbacks consistent with the setbacks in the Livestock Siting language in the Zoning Ordinance – 350 feet from public road right-of-ways and property lines. This setback is effective for all new facilities and also the expansion of existing facilities (such that they cannot expand toward road right-of-ways or property lines if the structure is already within the 350 foot setback). It should be noted that there is an existing variance process in the ordinance.

Section: Violations

- The penalty for violations was changed from \$200 to \$500.

Additional Information

- The Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection have both reviewed and provided comments on the proposed revisions. Necessary changes were made as a result of their review.

Proposed Revisions to ORDINANCE NO. 2004-27

**JEFFERSON COUNTY
ANIMAL WASTE STORAGE AND
NUTRIENT MANAGEMENT ORDINANCE**

The County Board of Supervisors of the County of Jefferson does hereby ordain as follows:

SECTION 1: INTRODUCTION

1.01

Authority

This ordinance is adopted under authority granted by Sections 59.70(1), 92.15, and 92.16 of the Wisconsin Statutes.

1.02

Title

This ordinance shall be known as, referred to and may be cited as the Jefferson County Animal Waste Storage and Nutrient Management Ordinance and is hereinafter referred to as the ordinance.

1.03

Findings and Declaration

The Jefferson County Board of Supervisors finds that animal waste storage facilities may not meet current technical design and construction standards. Pollution of the surface and groundwater of Jefferson County may result in actual or potential harm to the health and safety of county residents and transients, livestock, aquatic life and other animals and plants, and to the property tax base of Jefferson County. The Jefferson County Board of Supervisors also finds that improper management of animal waste storage facilities, including improper land application of stored animal waste, may cause pollution of the groundwater and surface water of Jefferson County. The Jefferson County Board of Supervisors further finds that the technical standards developed by the U.S.D.A. Natural Resources Conservation Service and adopted by the Jefferson County Land and Water Conservation Committee provide effective, practical and environmentally safe standards and specifications of storing and managing animal wastes.

1.04

Purpose

The purpose of this ordinance is to regulate the (a) location, design, construction, and use of all new animal waste storage facilities, (b) modification or closure of all storage facilities, (c) transfer of wastes into storage facilities, and (d) utilization of wastes from storage facilities in order to prevent water pollution, and thereby protect the health and safety of residents and transients, prevent the spread of disease, and promote the prosperity and general welfare of the citizens of Jefferson County. **Additionally, the purpose of this ordinance is to implement state manure management prohibitions and enact setbacks to animal storage facilities.** It also is intended to provide for the administration and enforcement of the ordinance and to provide penalties for its violation.

1.05 **Applicability**
This ordinance applies to the unincorporated areas of Jefferson County. Facilities constructed prior to the effective date of this ordinance shall be exempt, except as indicated in Subsection 3.02 of this ordinance.

1.06 **Interpretation**
The interpretation and application of the provisions of this ordinance shall be minimum requirements, be liberally construed in favor of Jefferson County, and not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

1.07 **Severability Clause**
If any section, provision, or portion of this ordinance is ruled invalid by a court, the remainder shall not for that reason be rendered ineffective.

1.08 **Effective Date**
This ordinance shall become effective after a public hearing, and upon its adoption and publication by the Jefferson County Board of Supervisors.

SECTION 2: DEFINITIONS

2.01 **Adequate sod, or self-sustaining vegetative cover** means maintenance of sufficient vegetation types and densities such that the physical integrity of the streambank or lakeshore is preserved. Self-sustaining vegetative cover includes grasses, forbs, sedges and duff layers of fallen leaves and woody debris.

2.02 **Animal waste or manure** means livestock excreta. “Animal waste or manure” includes ~~livestock~~ the following when intermingled with excreta in normal farming operations: debris including bedding, water, soil, hair, and feathers;-; processing derivatives including separated sand, separated manure solids, precipitated manure sludges, supernatants, digested liquids, composted biosolids and process water; and runoff collected from barnyards, animal lots and feed storage areas.and other debris that becomes intermingled with livestock excreta in normal waste handling operations.

2.03 **Animal waste or manure storage facility-structure** means a manure storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure.

2.04 **Animal waste or manure storage facility** means one or more manure storage structures. “Manure storage facility” includes stationary equipment and piping used to load or unload a manure storage ~~facility-structure~~ if the equipment is specifically designed for that purpose and is an integral part of the facility. Manure storage facility includes system components used to transfer milking center waste, barnyard runoff and feed storage leachate to the manure storage. “Manure storage facility” does not include equipment used to apply manure to land.

- 2.054 **Applicant** means any person applying for a permit under this ordinance.
- ~~2.06~~ **Bedrock** means the solid or consolidated rock formation typically underlying loose surficial material such as soil, alluvium or glacial drift. Bedrock includes but is not limited to limestone, dolomite, sandstone, shale and igneous and metamorphic rock.
- 2.075 **Closure** means removal and proper disposal of accumulated wastes and proper abandonment of a storage facility as in NRCS Technical Standard 360.
- 2.086 **DATCP** means the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
- 2.097 **Direct Runoff** means a discharge of a significant amount of pollutants to waters of the state resulting from any of the following practices:
(a) Runoff from a manure storage facility.
(b) Runoff from an animal lot that can be predicted to reach surface waters of the state through a defined or channelized flow path or man-made conveyance.
(c) Discharge of leachate from manure pile.
(d) Seepage from a manure storage facility.
(e) Construction of a manure storage facility in permeable soils or over fractured bedrock without a liner designed in accordance with s. NR 154.04 (3).
- 2.108 **DNR** means the Wisconsin Department of Natural Resources.
- ~~2.11~~ **Groundwater** means any of the waters of the state occurring in a saturated subsurface geological formation of rock or soil.
- 2.1209 **Idle Storage Facility** means an animal waste storage facility where the operations cease or manure has not been added or removed for 24 months.
- 2.130 **Land and Water Conservation Committee** means the committee of Jefferson County Board members and others, who by authority of Chapter 92, Wisconsin Statutes, guides soil and water conservation activities of the Jefferson County Land and Water Conservation Department.
- 2.141 **Land and Water Conservation Department** means the department of Jefferson County government which is responsible for administering and enforcing this ordinance.
- 2.152 **Livestock** means domestic animals such as cattle, horses, sheep, hogs, poultry, fish, etc., or exotic animals such as llamas, ostriches, etc.
- 2.163 **Livestock Operation** means a feedlot or other facility or pasture where animals are fed, confined, maintained, or stabled.

2.174 **Milking Center Waste** means all wastewater, cleaning ingredients, and waste milk that is discharged from a milking parlor.

2.185 **Modification** means enlargement or reduction to the facility, change in the facility's configuration, addition to the facility (such as ramps, push-off walls, etc.), or repairs that change the facility's configuration or capacity.

2.196 **Nutrient Management Plan** Means any of the following:
(a) A plan required under s. ATCP 50.04 (3) or 50.62 (5) (f).
(b) A farm nutrient plan prepared or approved for a landowner by a qualified nutrient management planner.
Note: A nutrient management plan must comply with s. ATCP 50.04 (3).

2.20 **Overflow** means discharge of manure to the environment resulting from flow over the brim of a facility or from flow directed onto the ground through a man-made device including a pump or pipe.

2.2147 **Permit** means the signed, written statement issued by the Jefferson County Land and Water Conservation Department under this ordinance authorizing the applicant to construct, install, reconstruct, modify, or close an animal waste storage facility.

2.2218 **Permittee** means any person to whom a permit is issued under this ordinance.

2.2319 **Person** means any individual, corporation, partnership, joint venture, trust, limited liability corporation, agency, unincorporated association, municipal corporation, county or state agency within Wisconsin, the federal government or any combination thereof that owns, rents, leases, or has other interest in land being regulated under this ordinance.

2.240 **Repair** means to restore to sound condition after damage or malfunction of storage facility.

2.25 **Site that is susceptible to groundwater contamination** means any one of the following:

(a) An area within 250 feet of a private well.

(b) An area within 1,000 feet of a municipal well.

(c) An area within 300 feet upslope or 100 feet downslope of a direct conduit to groundwater.

(d) A channel that flows to a direct conduit to groundwater.

(e) An area where the soil depth to groundwater or bedrock is less than 2 feet.

(f) An area where the soil does not exhibit one of the following soil characteristics:

1. At least a 2-foot soil layer with 40% fines or greater above groundwater and bedrock.

2. At least a 3-foot soil layer with 20% fines or greater above groundwater and bedrock.

3. At least a 5-foot soil later with 10% fines or greater above groundwater and bedrock.

- 2.261 **Standards** mean guidelines that have been adopted by the Natural Resources Conservation Service.
- 2.272 **Substantially altered** means a change initiated by an owner or operator that results in a relocation of a facility or significant changes to the size, depth or configuration of a facility including:
- (a) Replacement of a liner in a manure storage facility.
 - (b) An increase in the volumetric capacity or area of a facility by greater than 20%.
 - (c) A change in a facility related to a change in livestock management from one species of livestock to another such as cattle to poultry.
- 2.283 **Technical Guide** means the current Wisconsin version of the United States Department of Agriculture Natural Resources Conservation Service Technical Guide as adopted by the Jefferson County Land and Water Conservation Committee.
- 2.29 **Unconfined manure pile** means a quantity of manure that is at least 175 ft³ in volume and which covers the ground surface to a depth of at least 2 inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility or covered or contained in a manner that prevents storm water access and direct runoff to surface water or leaching to pollutants to groundwater.
- 2.302 **USDA - NRCS** means the Natural Resources Conservation Service, an agency of the United States Department of Agriculture.
- 2.3125 **Water pollution** means contaminating or rendering unclean or impure the groundwater or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.
- 2.3226 **Water Quality Management Area** means any of the following:
- (a) The area within 1,000 feet from the ordinary high water mark of a navigable lake, pond, or flowage other than a glacial pothole.
 - (b) The area within 1,000 feet from the high water mark of a glacial pothole lake.
 - (c) The area within 300 feet from the ordinary high water mark of a navigable river or stream.
 - (d) An area that is susceptible to groundwater contamination or that has the potential to be a direct conduit for contamination to reach groundwater.
- 2.3327 **Working day** means a calendar day, except Saturdays, Sundays and County, State, and Federal recognized legal holidays.

SECTION 3: ACTIVITIES SUBJECT TO REGULATION

- 3.01 **General Requirement**
Any person who constructs, installs, substantially alters, or closes an animal waste storage facility, or possesses an idle storage facility; or who employs another person to do

the same on land subject to this ordinance shall be subject to the provisions of this ordinance.

3.02 **Compliance with Permit Requirements**

A person is in compliance with this ordinance if he or she follows the procedures of this ordinance, receives a permit from the Jefferson County Land and Water Conservation Department before beginning activities subject to regulation under this ordinance, and complies with the requirements of the permit. Modification or closure of preexisting facilities requires a permit, subject to all terms of ordinance.

3.03 **Manure Management Prohibitions**

~~1.~~ All Livestock Operations shall comply with the following:

- (a) A livestock operation shall have no overflow of manure storage facilities.
- (b) A livestock operation shall have no unconfined manure pile in a water quality management area.
- (c) A livestock operation shall have no direct runoff from a feedlot or stored manure into the waters of the state.
- (d) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod or self-sustaining vegetative cover. This prohibition does not apply to properly designed, installed and maintained livestock or farm equipment crossings.

~~2.~~ **Cost Sharing Requirement**

~~Pursuant to Section 281.16 (3) of the Wisconsin Statutes, a livestock operation that is in existence prior to October 1, 2002 shall not be required to comply with the manure management prohibitions unless cost-sharing is made available.~~

~~3.04~~ **Existing Animal Waste Storage Facilities**

- ~~1. Manure storage facilities that pose an imminent threat to public health, fish and aquatic life, or groundwater shall be upgraded, replaced, or abandoned in accordance with this ordinance.~~
- ~~2. Levels of materials in storage facilities may not exceed the margin of safety level.~~

~~3.05.~~ **Livestock Siting**

~~Facilities that hold a Conditional Use Permit issued by the Jefferson County Planning and Zoning Committee shall follow additional requirements under Jefferson County Zoning Ordinance 11.05(d).~~

SECTION 4: STANDARDS

4.01 Animal Waste Storage Facilities

Standards and specifications for design, construction and management of animal waste storage facilities are those in Standard 313 (Waste Storage Facility), and Standard 634 (Waste Transfer) of the Technical Guide. Construction specifications referenced within the above listed standards shall be included.

4.02 Nutrient Management

The standards for nutrient management of land-applied animal wastes are those in Standard 590 of the Technical Guide. Livestock operations subject to regulations under Chapter NR 243 of the Wisconsin Administrative Code follow nutrient management requirements contained in NR 243.14.

4.03 Amendments to Standards

If approved by the DATCP or DNR, future amendments to Standards 313, 634, and 590 or the current standards for waste management systems, waste storage facilities, waste transfer, and nutrient management of the Technical Guide are incorporated by reference in the ordinance and made part of this ordinance, unless otherwise acted upon by the Jefferson County Board of Supervisors.

4.04 Variances

Variances from these standards and Chapter NR 151 of the Wisconsin Administrative Code agricultural performance standards can only be granted through an appeal by the applicant in accordance with Section 8 of this ordinance unless otherwise acted upon by the Land and Water Conservation Committee.

4.05 Human Wastewater

Human wastewater shall not be discharged into animal waste storage facilities unless permitted by applicable federal, state, or local regulations for the disposal of human wastewater.

4.06 Animal Waste Storage Facility Closure

Standards for closure of an idle storage facility are those in Standard 360 of the Technical Guide.

SECTION 5: APPLICATION FOR AND ISSUANCE OF PERMITS

5.01 Permit Required

Except as hereinafter provided, no person shall undertake an activity subject to this ordinance without first obtaining an **ANIMAL WASTE STORAGE FACILITY PERMIT** or **ANIMAL WASTE STORAGE FACILITY CLOSURE PERMIT** from the Jefferson County Land and Water Conservation Department. The requirement of this ordinance shall be in addition to any other ordinance or administrative rule regulating

animal waste storage or applicable technical standards. In the case of conflict, the most restrictive provision shall apply.

5.02 **Exception to Permit Requirements**

Emergency repairs for broken pipes or equipment, leaking dikes or removal of obstructions may be performed without an Animal Waste Storage Facility Permit. Emergency repairs shall not result in increased capacity to the animal waste storage facility. The responsible person (owner or tenant) shall contact the Jefferson County Land and Water Conservation Department on the first working day following emergency repairs for a determination by the Department on whether a permit will be required for any additional modification or repair to the facility.

5.03 **Fee**

All applicants, except those applying for an Animal Waste Storage Facility Closure Permit, shall be required to pay a non-refundable fee at the time of permit application, [see Table 1](#). Application fees may be waived by the Land and Water Conservation Committee upon finding of economic hardship.

TABLE 1

| <u>Gallons of Storage</u> | <u>Fee</u> |
|-------------------------------------|---------------------|
| <u>Closure</u> | <u>\$0</u> |
| <u>1 - 1,000,000</u> | <u>\$150</u> |
| <u>1,000,001 – 3,000,000</u> | <u>\$200</u> |
| <u>3,000,001 and greater</u> | <u>\$300</u> |

If the application is submitted after the commencement of activities requiring a permit, then the fee will be doubled. All applicable federal, state, and local standards and ordinance provisions still apply. Applications received after the commencement of activities requiring a permit do not preclude the Land and Water Conservation Department from taking enforcement action.

5.04 **Permit Application**

An application for an Animal Waste Storage Facility Permit or Animal Waste Storage Facility Closure Permit shall be filed with the Land and Water Conservation Department on forms supplied by the Land and Water Conservation Department. The Land and Water Conservation Department shall mail a copy of the approved permit application to the appropriate Town Board. In addition the Land and Water Conservation Department may mail a copy of the approved permit to other agencies or units of government that may have jurisdiction over the proposed activity.

Each application for an Animal Waste Storage Facility Permit under this ordinance shall include an Animal Waste Storage Facility Plan and a Nutrient Management Plan.

1. **All Animal Waste Storage Facility Plans shall include the following:**

- (a) A plan map showing location of the facility with regard to buildings, roads, lot lines, and homes within ~~three-five~~ hundred (300 500) feet of the proposed facility. The map shall be drawn to scale no smaller than one (1) inch equals one hundred (100) feet. The plan map shall include a north arrow.
- (b) A complete set of detailed construction plans, including but not limited to facility dimensions, cross-section views, profile views, storage facility liners, concrete thickness of floors and/or walls, steel reinforcement plans, water stops and expansion joints, material specifications, and fencing. Preparation of detailed construction plans may likely require the applicant to hire a registered professional engineer or be designed by federal, state, or local agency staff with appropriate NRCS job approval.
- (c) Worksheet 1 (Animal Units) of Chapter ATCP 51 of the Wisconsin Administrative Code will be included. If the type of animal that the facility is to be used for is not on Worksheet 1, then the number and kinds of animals for which waste storage is to be provided.
- (d) Planned duration of storage, expressed in days and/or months, and volume of storage, expressed in cubic feet or gallons.
- (e) The location of any wells within three hundred (300) feet of the facility.
- (f) The location and elevation of all soil tests pits, including a detailed soil description of each pit, to a depth of at least three (3) feet below the planned bottom elevation of the facility. Soil test pits, which are acceptable to the Jefferson County Land and Water Conservation Department, shall be dug within the outermost boundaries of planned waste storage facility bottom area and shall consist of a minimum of 4 pits located in 4 different quadrants of the planned facility.
- (g) The location of drain tiles, sink holes, and drainage ditches.
- (h) The elevation of seasonably high groundwater or bedrock if encountered in the soil profile and the date of any such determination.
- (i) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and groundwater. This shall include plans for erosion control of disturbed areas and soil stockpiles if the site is in a water quality management area.
- (j) The location of and distance to any navigable body of water within three hundred (300) feet of the proposed facility must be shown.

- (k) A description of how waste will be delivered to and removed from the facility.
- (l) A proposed time schedule for construction of the facility.
- (m) A Chapter NR 151 of the Wisconsin Administrative Code Evaluation Form completed by the Land and Water Conservation Department.
- (n) Any other additional information required by the Jefferson County Land and Water Conservation Department to determine compliance with this ordinance.

2. **Nutrient Management Plans will be required at the time of permit application for an Animal Waste Storage Facility Permit. All nutrient management plans shall conform to the NRCS standards and specifications for nutrient management (590) and if applicable NR 243.14 as specified in Subsection 4.02. All nutrient management plans shall comply with ATCP 50.04 (3) as amended from time to time and the following:**

When the livestock operation that is applying for a permit is proposing to spreading animal waste on another landowner's fields, and that other landowner also spreads animal waste ~~from their own operation~~, then a nutrient management plan accounting for nutrients from all sources for both operations must be provided to the Land and Water Conservation Department.

3. **All applicants' land must be in compliance with the agricultural performance standards and manure management prohibitions contained in NR 151 if cost sharing is made available and is applicable. located in Section 3.03 of this ordinance.**

4. **Animal Waste Storage Facility Closure Requirements**

- (a) Closure of an animal waste storage facility shall occur when an operation where the facility is located ceases operations, or manure has not been added or removed from the facility for a period of 24 months. Manure facilities shall be closed in a manner that will prevent future contamination of groundwater and surface waters.
- (b) The owner or operator may retain the facility for a longer period of time by demonstrating to the department that all of the following conditions are met: 1. The facility is designed, constructed and maintained in accordance with the applicable standards. 2. The facility is designed to store manure for a period of time longer than 24 months. 3. Retention of the facility is warranted based on anticipated future use.
- (c) Each application for an Animal Waste Storage Facility Closure Permit under this ordinance shall include a site-specific design for closure as specified in Standard 360.

5.05

Review of Application

The Jefferson County Land and Water Conservation Department shall receive and review all permit applications; including the Animal Waste Storage Facility Construction Plans and the Nutrient Management Plan, or the Animal Waste Storage Facility Closure Design; and shall determine if the proposed facility or closure will comply with ordinance requirements. In making this determination, the department may require a site inspection and/or may consult with an outside agency. Prior to issuance of a permit, the NRCS or DATCP engineer or designee, or a registered professional engineer shall verify that plans meet the applicable standards. Within 30 working days after receiving the completed application and fee, the Jefferson County Land and Water Conservation Department shall inform the applicant in writing whether the permit application is approved, disapproved, or if more information is needed. If additional information is required, the Jefferson County Land and Water Conservation Department shall so notify the permit applicant. The Jefferson County Land and Water Conservation Department has 30 working days from the receipt of the additional information to approve or disapprove the application. If, in addition to the applicant's information, the department required comment from an outside agency, the department has 15 working days from receipt of the comments from the referral agency to approve or disapprove the application. If the Land and Water Conservation Department fails to approve or disapprove the permit application in writing within 30 working days of the receipt of the permit application, within 30 working days of receipt of additional applicant information, or within 15 working days of receipt of referral agency comments, as appropriate, the application shall be deemed approved and the applicant may proceed as if a permit had been issued. Nothing herein shall authorize construction, maintenance, or closure of a facility that does not meet ordinance and technical guide standards.

5.06

Permit Conditions

All permits issued under this ordinance shall be issued subject to the following conditions and requirements:

- (a) Animal waste storage facility design, construction, modification, closure, and application shall be carried out in accordance with the construction plan or closure plan and applicable standards specified in Section 4 of this ordinance.
- (b) Any person applying for an Animal Waste Storage Facility Permit under this ordinance must develop a Nutrient Management Plan as part of the application process to demonstrate their ability to utilize the animal waste in an environmentally safe manner. This condition may require the applicant to hire a crop consultant to prepare the Nutrient Management Plan. ~~Although not required,~~ **a**All recipients of Animal Waste Storage Facility Permits are ~~encouraged~~ **required** to provide annual updates of their Nutrient Management Plans to the Jefferson County Land and Water Conservation Department.

- (c) An existing storage that is located within 350 feet of a property line or public road right-of-way cannot be expanded toward that property line or public road right-of-way.
- (d) A new waste storage facility may not be located within 350 feet of any property line, or within 350 feet of the nearest point of any public road right-of-way, unless the waste storage facility is a single new waste storage facility constructed no closer to the relevant property line or public road than a waste storage facility that existed on the same tax parcel prior to January 2014, provided that the new structure is no larger than the existing facility and is located within 50 feet of the existing facility.
- (ee) The permittee certifies in writing that all other local, city, County, State or Federally required permits shall be obtained from the appropriate authorities. The department may require proof of any permit known to be needed prior to issuing an Animal Waste Storage Facility Permit or Animal Waste Storage Facility Closure Permit.
- (fd) Any change to an approved Animal Waste Storage Facility Plan or closure design shall be approved in writing by the Jefferson County Land and Water Conservation Department. Written approval by the Department shall occur only after the DATCP engineer or designee, registered professional engineer, or state, federal, or local agency staff person, having the appropriate engineering certification, has reviewed and approved the proposed modifications.
- (ge) The permittee shall give no less than 3 working days advance notice to the Jefferson County Land and Water Conservation Department before starting any construction activity authorized by the permit.
- (hf) Activities authorized by permit shall be completed within 2 years from the date of issuance after which time such permit shall expire.
- (ig) The permittee shall certify in writing, by a professional engineer or a person with appropriate engineering job approval according to NRCS standards, that the animal waste storage was installed or closed as planned. A copy of the signed certification sheet shall be given to the Land and Water Conservation Department within 1 month of completion of installation or closure. Any approved changes made to the Animal Waste Storage Facility Plan or closure design shall be specified in the certification. Land and Water Conservation Department personnel may conduct site inspections during and following construction to determine that the facility was installed or closed as planned and designed.
- (j) Before any waste storage facility is put into use, the structure must be fully constructed as designed including the marking of the maximum operating level and implementing all safety design features.

5.07

Permit Revocation

The Jefferson County Land and Water Conservation Department may revoke any permit issued under this ordinance if the holder of the permit has misrepresented any information in the Animal Waste Storage Facility Plan, closure design, or Nutrient Management Plan, or if the holder of the permit violates any of the conditions of the permit. A letter will be sent by the Land and Water Conservation Department to the permittee warning about the potential for permit revocation prior to actually revoking the permit. The permittee will have two weeks to comply with this ordinance before revocation. If the permit is revoked the landowner must start the permit process over. In addition, the permittee shall not use the facility until a new permit is issued.

SECTION 6: ADMINISTRATION

6.01

Delegation of Authority

The Jefferson County Board hereby designates the Jefferson County Land and Water Conservation Department to administer and enforce this ordinance.

6.02

Administrative Duties

In the administration and enforcement of this ordinance, the Jefferson County Land and Water Conservation Department shall:

- (a) Keep an accurate record of all permit applications, Animal Waste Storage Facility Plans, Nutrient Management Plans, closure designs, permits issued, inspections made, closure extension requests, extensions issued, and other official actions.
- (b) Review permit applications and issue permits in accordance with Section 5 of this ordinance.
- (c) Periodically inspect animal waste storage facility construction to insure the facility is being constructed or closed according to plan specifications.
- (d) Investigate complaints relating to compliance with this ordinance.
- (e) Perform other duties as specified in this ordinance.

6.03

Inspection Authority

The Jefferson County Land and Water Conservation Department is authorized by Section 92.07(14) Wisconsin Statutes to enter upon any lands affected by this ordinance to inspect the site prior to and after permit issuance to determine compliance with the ordinance. If permission cannot be received from the applicant or permittee, entry shall be according to Sections 66.0119 and 66.0119 (3) as amended, Wisconsin Statutes. Refusal to grant permission to enter lands affected by this ordinance for purposes of inspection may be grounds for denial of a permit or revocation thereof.

6.04

Enforcement Authority

The Jefferson County Land and Water Conservation Department is authorized to post an order stopping work upon land which has had a permit revoked or on land currently undergoing activity in violation of this ordinance. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this ordinance. The order shall specify that the activity must cease or be brought into compliance.

Any permit revocation or order stopping work shall remain in effect until retracted by the Jefferson County Land and Water Conservation Department, or by a court of general jurisdiction. The Jefferson County Land and Water Conservation Department is authorized to refer any violation of this ordinance or of an order stopping work issued pursuant to this ordinance to the Jefferson County Corporation Counsel for commencement of further legal proceedings.

SECTION 7: VIOLATIONS

7.01

Penalties

Any person who violates, or fails, neglects, or refuses to comply with any of the provisions of the ordinance shall upon conviction thereof, forfeit up to ~~Two Five Hundred~~ (\$~~2500.00~~) Dollars, and costs of prosecution for each violation. Each day a violation exists or continues to exist shall constitute a separate offense. An unlawful violation includes failure to comply with any standard of this ordinance or with any condition or qualification attached to the permit, or any failure to comply with notice of a permit revocation or stop work order.

7.02

Enforcement by Injunction

As a substitute for, or in addition to forfeiture actions, Jefferson County may seek enforcement of any part of this ordinance by court actions seeking injunctions or restraining orders.

SECTION 8: APPEALS

8.01

Authority

Under the authority of Chapter 68 Wisconsin Statutes, the Jefferson County Land and Water Conservation Committee, created under Section 59.878, Wisconsin Statutes and acting as an appeal authority under Section 68.09(2) Wisconsin Statutes, is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the Jefferson County Land and Water Conservation Department in administering this ordinance.

8.02

Who May Appeal

Appeals may be taken by any person having a substantial interest that is adversely affected by the order, requirement, decision, or determination made by the Jefferson County Land and Water Conservation Department.

8.03

Limitations of Appeal

Only one appeal on a particular concern can be made of an order, requirement, decision, or determination made by the Jefferson County Land and Water Conservation Department.

8.04

Procedure

Any appeal shall be made by written request mailed or delivered to the Jefferson County Land and Water Conservation Department. The request shall state the grounds upon which it is contended that the order, requirement, decision, or determination should be modified or reversed, and/or the grounds upon which a variance is sought. The request shall be filed within 30 calendar days of the date when the order, requirement, decision, or determination was received. The Jefferson County Land and Water Conservation Committee shall schedule a hearing within 15 working days of the filing of the appeal. The hearing shall be conducted in accordance with Chapter 68, Wisconsin Statutes. A copy of the hearing notice shall be sent to the applicant and the appropriate Town Board.

The final decision on an appeal shall be made within 20 working days of completion of the hearing and shall be in the form of a written determination signed by the Chair or Secretary of the Land and Water Conservation Committee. The determination shall state the specific facts, which are the basis for the Committee's decision, and shall affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part; deny the appeal for lack of justification; or grant or deny the application for a variance. The reasons or justifications for granting an appeal, which were demonstrated by the applicant in the case of a variance, shall be clearly stated in the recorded minutes of the Committee meeting. If a final decision on an appeal is not made within 20 working days, the appeal shall be deemed approved and the applicant may proceed with activities that were requested in the appeal.

8.05

Variances

The Land and Water Conservation Committee may upon appeal authorize a variance from the requirements of this ordinance.

1. The granting of a variance shall be consistent with the spirit and purpose of this chapter as stated in Subsection 1.03 and 1.04.
2. The Committee may not grant a variance solely on the basis of economic hardship or gain.
3. The variance shall not permit an activity or practice that may fail structurally or otherwise cause significant water pollution or other off site impacts.

4. The variance shall be due to unique circumstances and not to the general conditions of the area.
5. The variance shall not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the rights of other persons.
6. The variance shall not be granted solely on the fact that certain conditions existed prior to the effective date of the ordinance.
7. The Land and Water Conservation Committee may authorize a variance from the requirements of this ordinance contingent on the applicant receiving a variance from the technical standards through the Natural Resources Conservation Service ~~or other~~ **qualified engineering authority**. If public funds are involved, this may be a program requirement.
8. **The Committee shall not grant a variance to the Chapter NR 151 agricultural performance standards without following Chapter NR 151.097 of the Wisconsin Administrative Code.**
98. The Committee may grant a variance only if all of the following conditions are met:
 - (a) Compliance with the standard is not feasible due to site conditions. This condition does not apply to research activities conducted as part of a planned agricultural research and farming curriculum.
 - (b) The landowner or operator will implement best management practices or other corrective measures that ensure a level of pollution control that will achieve a level of water quality protection comparable to that afforded by the performance standards ~~in~~ located in Chapter NR 151 of the Wisconsin Administrative Code.
 - (c) The conditions for which the variance is requested are not created by the landowner or operator or their agents or assigns. This condition does not apply to research activities conducted as part of a planned agricultural research and farming curriculum.
109. The Committee shall use the following process when administering a variance request:
 - (a) The landowner or operator shall submit the variance request to the Committee or the Land and Water Conservation Department within 60 days of receiving notice that their operation is not in compliance with this ordinance.
 - (b) The Land and Water Conservation Department shall forward any variances that it receives to the Committee. The Committee may consider a recommendation from the governmental unit concerning acceptance of the variance request.
 - (c) The Committee shall make its determination based on the factors in subparagraph 98.

(d) The Committee shall notify the landowner or operator and the Land and Water Conservation Department of its determination. If the variance is granted, the Committee or Land and Water Conservation Department shall send a notice to the landowner or operator and to the appropriate Town Board.

(e) The period of time required to make a ruling on a variance request does not extend the compliance periods allowed under Chapter NR 151.09 and 151.095 of the Wisconsin Administrative Code.

Note: The Committee may consider decisions made by the Land and Water Conservation Department, in accordance with local ordinance provisions, when making its determination whether to accept or deny the variance.

This ordinance shall be in full force and effect upon adoption and publication as provided by law.

Jefferson County
Land & Water Conservation Totals

Date Ran 4/21/2014
Period 3
Year 2014

| Business Unit | Description | Current Period Actual | Current Period Budget | YTD Actual | YTD Budget | Prorated Variance | Total Budget | Annual Remaining | Percentage Of Budget |
|--------------------------------------|---------------|-----------------------|-----------------------|--------------------|--------------------|--------------------|--------------------|--------------------|----------------------|
| 7001 Land & Water | Revenue | (7,635.00) | (16,803.17) | (14,215.00) | (50,409.50) | 36,194.50 | (201,638.00) | (187,423.00) | 7.05% |
| | Expenditures | 43,227.58 | 44,466.92 | 133,138.71 | 133,400.75 | (262.04) | 533,603.00 | 400,464.29 | 24.95% |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Total | | 35,592.58 | 27,663.75 | 118,923.71 | 82,991.25 | 35,932.46 | 331,965.00 | 213,041.29 | 35.82% |
| 7002 Wild Life Crop | Revenue | - | (1,666.67) | - | (5,000.00) | 5,000.00 | (20,000.00) | (20,000.00) | 0.00% |
| | Expenditures | - | 1,666.67 | 1,330.00 | 5,000.00 | (3,670.00) | 20,000.00 | 18,670.00 | 6.65% |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Total | | - | - | 1,330.00 | - | 1,330.00 | - | (1,330.00) | #DIV/0! |
| 7007 Nutrient Manage | Revenue | (80.00) | - | (340.00) | - | (340.00) | - | 340.00 | #DIV/0! |
| | Expenditures | 58.53 | - | 84.21 | - | 84.21 | - | (84.21) | #DIV/0! |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Total | | (21.47) | - | (255.79) | - | (255.79) | - | 255.79 | #DIV/0! |
| 7008 County Cost Share | Revenue | - | - | - | - | - | - | - | #DIV/0! |
| | Expenditures | - | - | - | - | - | - | - | #DIV/0! |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Total | | - | - | - | - | - | - | - | #DIV/0! |
| 7009 Hope Lake | Revenue | - | - | - | - | - | - | - | #DIV/0! |
| | Expenditures | - | - | - | - | - | - | - | #DIV/0! |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Total | | - | - | - | - | - | - | - | #DIV/0! |
| 7010 Resources | Revenue | (6,944.00) | (4,000.00) | (6,944.00) | (12,000.00) | 5,056.00 | (48,000.00) | (41,056.00) | 14.47% |
| | Expenditures | 3,950.80 | 4,000.00 | 10,894.80 | 12,000.00 | (1,105.20) | 48,000.00 | 37,105.20 | 22.70% |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Total | | (2,993.20) | - | 3,950.80 | - | 3,950.80 | - | (3,950.80) | #DIV/0! |
| 7011 Non Metallic | Revenue | - | (1,330.83) | - | (3,992.50) | 3,992.50 | (15,970.00) | (15,970.00) | 0.00% |
| | Expenditures | 359.80 | 39.58 | 380.40 | 118.75 | 261.65 | 475.00 | 94.60 | 80.08% |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Total | | 359.80 | (1,291.25) | 380.40 | (3,873.75) | 4,254.15 | (15,495.00) | (15,875.40) | -2.45% |
| 7012 Mud Lake | Revenue | - | - | - | - | - | - | - | #DIV/0! |
| | Expenditures | - | - | - | - | - | - | - | #DIV/0! |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Total | | - | - | - | - | - | - | - | #DIV/0! |
| 7013 Rome Ponds | Revenue | - | - | - | - | - | - | - | #DIV/0! |
| | Expenditures | - | - | - | - | - | - | - | #DIV/0! |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Total | | - | - | - | - | - | - | - | #DIV/0! |
| 7014 Gypsy Moth Program | Revenue | - | - | - | - | - | - | - | #DIV/0! |
| | Expenditures | - | - | - | - | - | - | - | #DIV/0! |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Total | | - | - | - | - | - | - | - | #DIV/0! |
| 7016 Southern Area | Revenue | - | - | - | - | - | - | - | #DIV/0! |
| | Expenditures | - | - | - | - | - | - | - | #DIV/0! |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Total | | - | - | - | - | - | - | - | #DIV/0! |
| 7020 County Farm | Revenue | (52,844.00) | (7,725.83) | (52,844.00) | (23,177.50) | (29,666.50) | (92,710.00) | (39,866.00) | 57.00% |
| | Expenditures | 17.97 | 169.00 | 73.48 | 507.00 | (433.52) | 2,028.00 | 1,954.52 | 3.62% |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Total | | (52,826.03) | (7,556.83) | (52,770.52) | (22,670.50) | (30,100.02) | (90,682.00) | (37,911.48) | 58.19% |
| Total All Business Units | Revenue | (67,503.00) | (31,526.50) | (74,343.00) | (94,579.50) | 20,236.50 | (378,318.00) | (303,975.00) | 19.65% |
| | Expenditures | 47,614.68 | 50,342.17 | 145,901.60 | 151,026.50 | (5,124.90) | 604,106.00 | 458,204.40 | 24.15% |
| | Other Sources | - | - | - | - | - | - | - | #DIV/0! |
| Grand Total Land Conservation | | (19,888.32) | 18,815.67 | 71,558.60 | 56,447.00 | 15,111.60 | 225,788.00 | 154,229.40 | 31.69% |