



POLK COUNTY, WISCONSIN

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Carole Wondra, County Clerk
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810
Phone (715) 485-9226 Email carole.wondra@co.polk.wi.us

AGENDA AND NOTICE OF MEETING

ENVIRONMENTAL SERVICES COMMITTEE

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810
County Board Room

Wednesday March 15, 2017 9:00 A.M.

A quorum of the County Board may be present.

Materials: Minutes from the March 1, 2017 meeting; UW Ext. Highlights and Impacts Report; UW Ext. office brochure; 2017 ES Amended Work plan; Revised draft Manure and Water Quality Management Ordinance.

- | | | |
|------|--|---------------------------------------|
| 9:00 | <ol style="list-style-type: none">1. Call to order2. Approval of agenda3. Approval of minutes for the March 1, 2017 meeting4. Public comment (3 minutes)5. Review and discussion of Functional Areas Assigned to the Committee for the Purpose of scheduling Program Evaluation of functional Assigned Areas in Advance of the 2018 Budget | Chair
O'Connell |
| 9:10 | <ul style="list-style-type: none">• Update and briefing on Permit Expiration Provisions of the Proposed Polk County Floodplain Ordinance 12-17 | Zoning Admin.,
Kjeseth |
| 9:20 | <ul style="list-style-type: none">• Subdivision Plat Review | Director of
Land Info.,
McCurdy |

9:50	<ul style="list-style-type: none"> • Extension information/presentation 	5 UW Ext. Representatives
10:50	6. Review and Approval of the revised Manure and Water Quality Management Ordinance.	Director of Land & Water, Ritten
11:10	7. Identification of subject matters for Upcoming Meeting	Chair O'Connell
	8. Adjourn	

This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.

MINUTES

Environmental Services Committee

Government Center County Board Room
100 Polk County Plaza Balsam Lake, WI 54810
9:00 a.m. Wednesday, March 1st, 2017

Meeting called to order by Chairman O'Connell at 9:10 AM.

Members present

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Craig Moriak	Vice Chair	Present
Warren Nelson	Supervisor	Absent
Brad Olson	Supervisor	Present
Jim Edgell	Supervisor	Present
Dale Wood	Citizen	Present

Also present were Sharon Jorgenson, Polk County Clerk; Dana Frey, County Administrator; Debbie Peterson, Department Head of Parks & Buildings; Tim Ritten, Department Head of Land & Water Resources and member of the press.

Approval of Agenda- Chairman O'Connell called for a motion to approve the agenda. **Motion** (Moriak/Olson) to approve agenda. **Motion** carried by unanimous voice vote of committee members present.

Approval of Minutes – Chairman called for a motion to approve the minutes of the February 15th, 2017 meeting. **Motion** (Edgell/Wood) to approve the minutes. **Motion** carried by unanimous voice vote of committee members present.

Public Comment: None

Chair O'Connell called upon Mr. Frey for announcements and committee information. Mr. Frey presented information and updates on Extension and the Governor's Budget. UW Extension contract renewal date is July 1st, 2017.

Committee received Outline of Potential Changes to the Rules of Order from Mr. Frey.

Chair O'Connell called upon Tim Ritten and received information regarding the Governor's Budget and impact on environmental services due to funding changes. The committee received

a document from Mr. Ritten with the suggested wording below to be presented as a general bullet point document to legislators voicing support from the committee:

“The Environmental Services Committee of the Polk County Wisconsin Board of Supervisors upon review of the Governor’s 2017-2019 Budget understands the joint DATCP/DNR County Staffing Grant to be at the new base amount of \$8,000,000 and not at the old base amount of \$9,300,000. Due to increasing threats to natural resources and increasing state environmental program requirements on county staff the Committee wishes to voice support for increasing the Joint DATCP/DNR County Staffing Grants by \$650,000 per year and reducing the Non-point Account of the Environmental Fund by the same amount.”

By committee consensus, this will be moved forward to the County Board.

Committee viewed the Shoreline Map provided by Tim Ritten indicating areas where manure can be piled – 1000 feet from lakes, 300 feet from streams. Map is available on County website.

Chair O’Connell called upon Debbie Peterson to present information on Land sales. The committee received Final sale information on 4 properties, a Summary of Tax Deed Properties as of January 2017, and information on future land sales.

Craig Moriak informed committee his final day on County Board and Committees will be April 1, 2017 as he will no longer reside in District 5.

Future Items:

March 15th agenda:

1. Update and Briefing on Permit Expiration Provisions of the Proposed Polk County Floodplain Ordinance 12-17 (Ordinance to Enact Amended Polk County Floodplain Zoning Ordinance) – Jason Kjeseth.
2. Subdivision Platt Review - Sara McCurdy
3. Extension information/presentation

April 5th agenda:

1. Public hearing for Sub-Chapter 12.1 Manure and Water Quality Management Ordinance.

Motion (Edgell/Olson) to adjourn. Chair O’Connell declared meeting adjourned at 11:32 a.m.

Respectfully submitted,

Sharon Jorgenson
Polk County Clerk



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Sharon Jorgenson, County Clerk
100 Polk Plaza, Suite 110, Balsam Lake, WI 54810
Phone (715) 485-9226 Email Sharon.Jorgenson @co.polk.wi.us

AGENDA AND NOTICE OF MEETING

ENVIRONMENTAL SERVICES COMMITTEE

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810

County Board Room

Wednesday March 1, 2017 9:00 am.

A quorum of the County Board may be present.

Materials: Minutes from the February 15, 2017 meeting; revised committee work plan

- | | | |
|---------|--|-----------------|
| 9:00 am | 1. Call to order. | Chair O'Connell |
| | 2. Approval of Agenda | |
| | 3. Approval of the Minutes for the February 15, 2017 meeting | |
| 9:05 | 4. Public comment | |
| 9:10 | 5. Committee information and program updates | Dana Frey |
| | 6. Governor's budget and impact on Environmental Services | |
| | 7. Proposed Rules of Order changes relating to committee role | |
| 9:30 | 8. Review and discussion of Functional Areas Assigned to the Committee for the Purpose of scheduling Program Evaluation of functional Assigned Areas in Advance of the 2018 Budget | Debbie Peterson |
| | • Receive information from the last Land sale | |
| | • Information on future land sales | |
| 10:30 | 9. Identification of Subject Matters for Upcoming Meeting. | |
| 10:45 | 10. Adjourn. | |

Items on the agenda may not necessarily be presented in the order listed. This meeting is open to the public according to Wisconsin State Statute 19.83. Persons with disabilities wishing to attend and/or participate are asked to notify the County Clerk's office (715-485-9226) at least 24 hours in advance of the scheduled meeting time so all reasonable accommodations can be made. Requests are confidential.



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MINUTES

ENVIRONMENTAL SERVICES COMMITTEE

Government Center, 100 Polk County Plaza, Balsam Lake, WI 54810

County Board Room

Wednesday, February 15th, 2017 at 9:00 a.m.

A quorum of the County Board may be present

Meeting called to order by Chair O'Connell at 9:05 a.m.

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Craig Moriak	Vice Chair	Absent – excused
Warren Nelson	Supervisor	Present
Brad Olson	Supervisor	Present
Jim Edgell	Supervisor	Present
Dale Wood	Citizen	Present

Also present: Sharon Jorgenson, County Clerk; Dana Frey, County Administrator; Jason Kjeseth, Zoning Administrator; Sara McCurdy, Director of Land Information; Jeff Fuge, Corporation Counsel; Andrea Jerrick, Deputy County Administrator; members of the public and member of the press.

Chair O'Connell called for a motion to approve the agenda. **Motion by Edgell/ Brad Olson** to approve the agenda. **Motion** carried by unanimous voice vote.

Chair O'Connell called for a motion to approve the minutes of the February 1st, 2017 meeting. **Motion by Warren Nelson/Edgell** to approve the minutes as presented. **Motion** carried by unanimous voice vote.

Public comment received from one citizen.

Chair O'Connell called upon Jason Kjeseth to conduct consecutive public hearings on district change and ordinance petitions beginning at 9:15 a.m.

Item A. William Zager: Residential (R-1) to General Business (B-1) in Town of Lincoln, Parcel #032-00912-0000. The committee was informed of documents received by zoning office: Exhibit 1 - E-mail from Bill Zager, Exhibit 2 – Letter from Bill Zager, and Exhibit 3 – Town of Lincoln Board Minutes documenting no objection to change in zoning by Town of Lincoln. Jason Kjeseth completed the findings of fact, conclusions of law sheet. **Motion by Dale Wood/Brad Olson** to recommend **Resolution 10-17 Resolution to Grant a Zoning District Change and to Amend Zoning District Map for Town of Lincoln** to move to County Board. **Motion** carried by unanimous voice vote. Public hearing concluded at 9:30

9:33 a.m. Item B. Recommendation on petition to amend Polk County Private Sewage System Ordinance. Committee received Polk County map showing areas affected by ordinance. **Motion by Edgell/Warren Nelson to recommend Ordinance 11-17 Ordinance to Enact Amended Polk County Private Sewage System Ordinance** to move to County Board. **Motion** carried by unanimous voice vote. Public hearing concluded at 9:41 a.m.

9:42 a.m. Item C. Recommendation on petition to amend Polk County Floodplain Zoning Ordinance. **Motion Warren Nelson/Brad Olson to recommend Ordinance 12-17 Ordinance to Enact Amended Polk County Floodplain Zoning Ordinance** to County Board. **Motion** carried by unanimous voice vote. Public hearing concluded at 9:49 a.m.

9:50 a.m. Item D. Recommendation on petition to amend Polk County Chapter 18 Subdivision Ordinance. Exhibit 1 – Polk County map. **Motion by Brad Olson/Edgell to recommend Ordinance 13-17 Ordinance to Enact Amended Polk County Chapter 18 Subdivision Ordinance** to move to County Board. **Motion** carried by unanimous voice vote. Public hearing concluded at 9:56 a.m.

Chair O'Connell called for a break at 10:00 a.m. Chair O'Connell declared meeting back in session at 10:25 a.m.

Committee received copy of 2017 work plan for Environmental Services Committee from County Administrator, Dana Frey.

Response to the UW Extension Restructuring Proposal: Committee received information from UW Extension Office requesting feedback on Recommendations on the future structure of the Cooperative Extension.

Committee received proposed draft form of Shoreline Protection Zoning Ordinance that is awaiting DNR approval from Sara McCurdy, Director of Land Information.

Identification of subject matters for upcoming meetings: March 1, 2017 Proposed Rules of Order, Dog Claims, Land sale information: last sale results information to be provided to committee.

March 15th agenda: Presentation from Extension as to services provided in 2016.

April Agenda: Extension services/needs for County.

Chair O'Connell called for a motion to adjourn. **Motion to adjourn Edgell/Brad Olson. Motion** carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 11:40 a.m.

Respectfully submitted,

Sharon E. Jorgenson
Polk County Clerk

March 1, 2017

OUTLINE OF POTENTIAL CHANGES TO THE RULES OF ORDER

1. Improved consideration of resolutions and ordinances
 - a. Introduction and first reading
 - i. One meeting prior to final consideration
 - ii. Assigning a chief author
 - iii. Referral to committee
 - b. Committee reports
 - i. Committees required to act on every resolution:
 1. Recommend to amend
 2. Recommend to be approved, not approved, or no recommendation
 - ii. Formal written or oral report on committee recommendations
 - c. Final passage
 - i. Committee report entered into the record
 - ii. Board must vote on whether to consider a resolution not reviewed by committee (current policy)
 - iii. Board must vote on whether to consider a resolution that has not had a first reading
 - iv. Board chair calls on chief author to explain resolution
 - d. Final resolutions must be engrossed before publication
2. Clarify structure of Board meetings
 - a. Consideration of optional structures
 - i. Regular meeting
 - ii. Committee of the Whole
 1. Less restrictive procedures (same as regular committees)
 - a. Board can form itself into committee of the whole through a simple motion
 2. Recommends only to the County Board
 3. Consideration of resolutions or ordinances
 - iii. Informational meeting or workshop
 1. Background on upcoming issues or general topics
 2. No votes on any substantive issue
 3. Others can be invited to speak
3. Other?

March 1, 2017

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2/16/2017

**ENVIRONMENTAL SERVICES COMMITTEE
2017 WORK PLAN**

Date	Scheduled Agenda Items	Program Evaluation and Upcoming Issues
January	<ul style="list-style-type: none"> • Finalize 2017 work plan 	
February	<ul style="list-style-type: none"> • POWTS public hearing 	
March	<ul style="list-style-type: none"> • Plat review • Land sales (2017) • Extension 	<ul style="list-style-type: none"> • Governor's budget and impact on environmental services programs
April	<ul style="list-style-type: none"> • Consideration/reconsideration of County Board priorities in environmental services • Animal Waste Ordinance 	
May	<ul style="list-style-type: none"> • Comprehensive Plan amendments for Commercial CUP w/in 1000 ft. and town road setbacks • Trail Ordinance 	
June		<ul style="list-style-type: none"> • Lime Quarry review • Museum and Tourism
July	<ul style="list-style-type: none"> • Annual reports • Invasive Species Transport Ordinance 	
August	<ul style="list-style-type: none"> • Review and recommendations on fee schedule 	
September	<ul style="list-style-type: none"> • Annual budget review 	
October	<ul style="list-style-type: none"> • Annual budget amendments 	
November		<ul style="list-style-type: none"> • Land Information Plan update
December	<ul style="list-style-type: none"> • Develop 2018 work plan • Comprehensive Plan update • Storm Water Ordinance • Non-Metallic Mine Reclamation Ordinance 	

2/16/2017

POTENTIAL WORK PLAN ITEMS

Parks and trails:

- Funding and operation of the trail system

Environmental:

- Complete manure ordinance
- Program overview
- Threats facing natural resources
- Activities at area and state level
- Recycling and solid waste funding and trends

Planning and zoning:

- Comprehensive plan update (11 elements)
- Development trends – Stillwater bridge
- Subdivision ordinance review on development trends
- Town response to new zoning ordinance

Education and Recreation:

- Changes to extension program
- Capital funding, Fair
- Capital funding, Museum



Polk County Lime Quarry

2023 50th Avenue
 Osceola, WI 54020
 Tel: 715-294-2351
 Fax: 715-294-2459
 E-mail: davep@co.polk.wi.us

End of Year 2016- Report

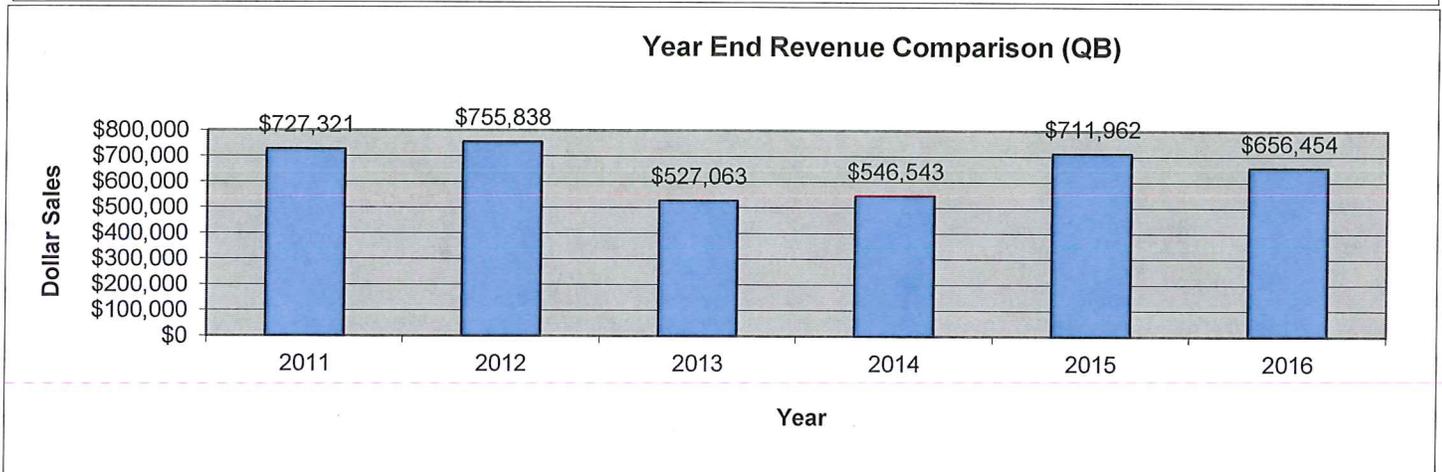
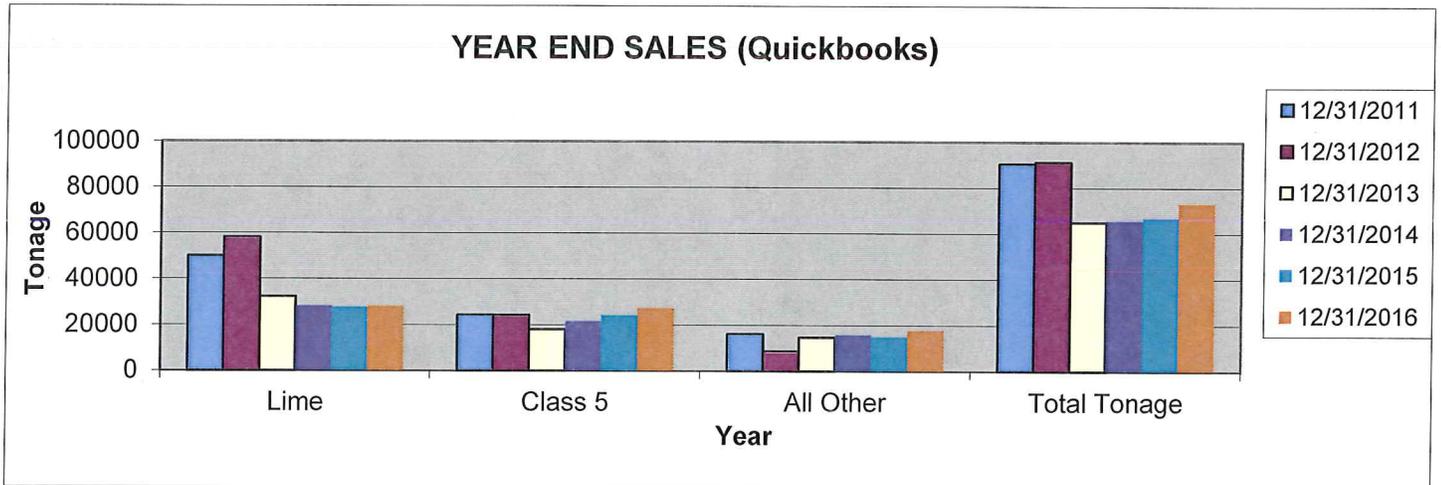
Lime production and sales-*To continue to increase the sale of quality lime products*

Current:

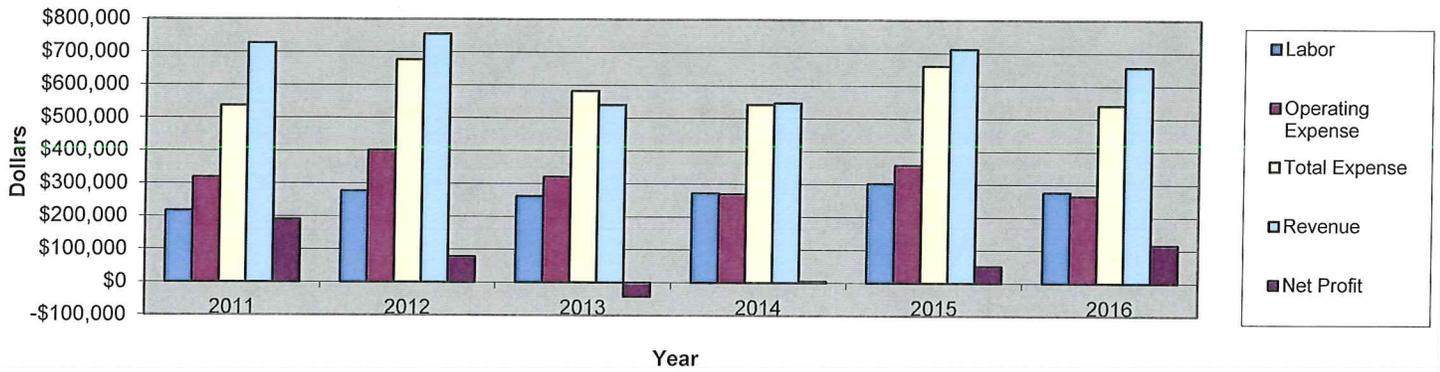
1. Despite low farm commodity prices, lime finished strong. Lack of winter snow has allowed late winter spreading. Approximately 4,000 tons were sold in December.
2. The soft start to the main crusher was upgraded, because circuit board parts were no longer unavailable.

Upcoming:

1. We will be closed February 21st for required MSHA Training for all staff working in the mine.



Year End Comparison



4-H Youth Development



Chuck Prissel

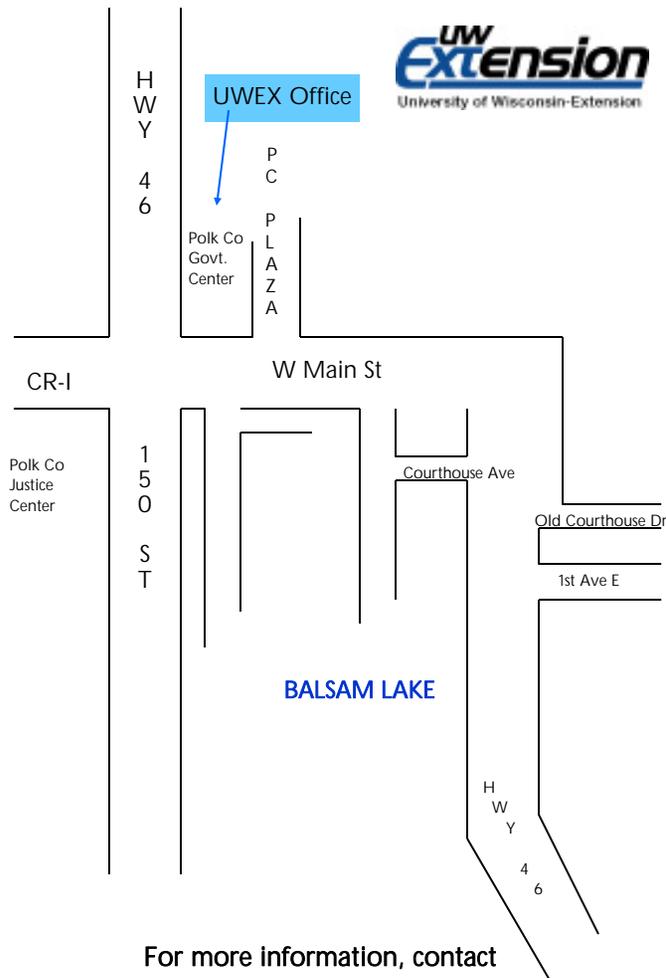
4-H Youth Development Educator
Dept. of Youth Development
charles.prissel@ces.uwex.edu

The 4-H program is one of the most well known programs of UW-Extension. Young participants learn leadership, citizenship and life skills.

For more than a century, Wisconsin has been a leader in 4-H youth development. 4-H reaches every corner of our state—from urban neighborhoods to suburban school yards to rural farming communities. In Wisconsin, more than 33,000 youth and 17,000 volunteers move our communities and state forward in ways that no other youth organization can. Polk County's 700 plus youth are enriched through the efforts of 380 plus volunteers.

Programs and projects cover all aspects of life including:

- Animal Sciences
- Arts and Communication
- Citizenship
- Community involvement
- Family and home
- Natural Resources
- Technology
- Health, Nutrition and Fitness
- Leadership development
- Mechanical Sciences
- Plant and soil sciences
- Science Technology Engineering and applied Math (STEM)



For more information, contact
UW-Extension Polk County
100 Polk County Plaza, Suite 190
Balsam Lake, WI 54810

Hours: 8:30 a.m. to 4:30 p.m.,
Monday-Friday

Telephone: 715-485-8600

Fax: 715-485-8601

Dial 711 for Wisconsin Relay

<http://polk.uwex.edu>

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A guide to the staff and current programs available at
Polk County UW-Extension



<http://polk.uwex.edu>

Tel: 715.485.8600

AGRICULTURE



Agriculture Educator
Dept. of Agriculture / Agribusiness

Wisconsin's farms and agricultural businesses are crucial to our state's economy. There isn't a county we serve that isn't directly impacted by the agriculture industry. The county agriculture agent helps those most directly involved manage, anticipate and/or leverage changes in the economy, product, demand, land use and technology. The county agent provides research, information, best practices and strategies on agriculture and resource management topics including:

- Dairy and Livestock Production
- Emerging Markets
- Farm Management
- Crop Production & Management
- Horticulture
- Nutrient Management

PROGRAM SUPPORT



Colleen Noonan
colleen.noonan@ces.uwex.edu

FAMILY LIVING



Gail Peavey
Family Living Educator
Dept. of Family Development
gail.peavey@ces.uwex.edu

UW-Extension Family Living program respond to community needs through research-based education that supports Wisconsin families. Programs are often developed and held in partnership with other community groups that serve to enhance the well being of the family. Programming areas include:

- Parenting & Co-parenting
- Family relationships / Family caregiving
- Child development
- Family economics: earning, spending, and saving
- Rent Smart
- Supporting HCE leadership and community service
- Food Preservation / Food safety

Wisconsin Nutrition Education Program (FoodWise)



Bonnie Cremin
Nutrition Educator
bonnie.cremin@ces.uwex.edu

Uses Federal funding to work with organizations to teach low income families about nutrition, food preparation, and food safety.

Community, Natural Resource & Economic Development (CNRED)



Mary Pardee
Community, Natural Resource & Economic Development Educator
Dept. of Community Resource Development
mary.pardee@ces.uwex.edu

Community, Natural Resource and Economic Development, also known as CNRED, protects our state's resources and facilitates community/economic development in Wisconsin communities committed to positive change.

The educator provides research & educational opportunities in the areas of:

- Leadership training
- Business development
- Strategic planning/Facilitation
- Natural Resources and Land Use
- Non-profit assistance
- Local government education and citizen engagement

PROGRAM SUPPORT



Wendy Linke
wendy.linke@ces.uwex.edu

March 1, 2017

**ENVIRONMENTAL SERVICES COMMITTEE
2017 WORK PLAN**

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January	<ul style="list-style-type: none"> • Finalize 2017 work plan 	
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December	<ul style="list-style-type: none"> • Develop 2018 work plan • Comprehensive Plan update • Storm Water Ordinance • Non-Metallic Mine Reclamation Ordinance 	

SUBCHAPTER 12.1: MANURE AND WATER QUALITY MANAGEMENT ORDINANCE

Section 1. Title, Statutory Authority, Declaration of Policy, Applicability, Definitions

- 1.01. Title. This ordinance shall be known as the Polk County Manure and Water Quality Management Ordinance, and is hereinafter referred to as the Ordinance.
- 1.02. Statutory Authorization. This ordinance is adopted pursuant to the authorization in Sections 59.02, 59.03, 59.70(20), 92.10, 92.15, 92.16, and Wisconsin Statutes and Administrative Rule ATCP 50.56.
- 1.03. Declaration of Policy
 - a. *Findings.* The Polk County Board of Supervisors recognizes the importance of protecting ground and surface water resources and finds that proper storage and management of animal waste contributes to the protection of ground and surface waters, public health, other animal and aquatic life health, and consequently to the property tax base of Polk County.
 - b. *Purpose.* The purpose of this Ordinance is to enhance public health, prosperity, and welfare by protecting ground and surface water quality.
- 1.04. Applicability. This ordinance applies to the unincorporated areas of Polk County for animal waste storage facilities and to Water Quality Management Areas within the unincorporated areas of Polk County for feedlots, degraded pastures and unconfined manure piles.
 - a. *Interpretation.* In its interpretation and application, the provisions of this Ordinance shall be minimum requirements, and shall be liberally construed in favor of Polk County, and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statute.
 - b. *Severability Clause.* If any section, provision, or portion of the ordinance is ruled invalid by a court, the remainder of the ordinance shall not be rendered ineffective.
- 1.05. Definitions. The following definitions apply to the provisions of this ordinance:
 - a. *Abandoned Animal Waste Storage Facility* means an animal waste storage facility where animal waste has not been added or removed for twenty four consecutive months.
 - b. *Animal Waste* means livestock manure or other materials such as bedding, (when added to storage facility) milk house waste, water, soil, hair, feathers, egg shells or debris normally included in animal waste handling operations.
 - c. *Animal Unit* means a unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained, or stabled in an animal feeding operation. For the purpose of this Ordinance, one animal unit is equivalent to 1000 pounds of livestock live weight.
 - d. *Animal Waste Storage Facility* means an impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure and other animal or agricultural wastes. Animal waste storage does not include a manure pack layer as dropped by animals on a feedlot or in a barn.
 - e. *Applicant* means any person who applies for a permit or certificate of compliance under this Ordinance.
 - f. *Certificate of Compliance* is a certificate issued by the Polk County Land and Water Resources Department stating the landowner is in compliance with the requirements of this ordinance.
 - g. *Certification of Noncompliance* means an order under which an activity subject to regulation may continue to operate subject to a time frame for compliance.
 - h. *Degraded Pastures* means those pastures providing livestock access to waters of the state, where livestock activity prevents the maintenance of adequate sod or self-sustaining vegetative cover.

- i. *Direct Runoff* means a visible feedlot runoff or storage overflow or evidence of regular flow or discharge that reaches waters of the state.
- j. *Director* means the Director for the Land & Water Resources Department.
- k. *Feedlot* means a lot or building, or combination of contiguous lots and buildings, intended for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which animal waste may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for feeding and rearing of poultry (poultry ranges) and barns, dairy facilities, swine facilities, beef lots and barns, horse stalls and pens, mink ranches and domesticated animal zoos, shall be considered to be animal feedlots. Pasture that maintains permanent vegetative cover shall not be considered animal feedlots under these parts.
- l. *Field Season* means either the usual and customary spring field planting season for Polk County, and the usual and customary fall harvest field season for Polk County.
- m. *Impoundment* means see “Animal Waste Storage.”
- n. *Land Conservation Committee* (referred to as the “LCC”) means the Environmental Services committee of the Polk County Board which performs county-level functions outlined in Chapter 92 Wis. Stats.
- o. *Land & Water Resources Department* (LWRD) means the staff for enforcing and providing technical and administrative support for this ordinance (referred to as the “department”).
- p. *Livestock* means domestic animals kept for use on a farm, or raised for sale and profit.
- q. *Manure* means a material that consists primarily of excreta from livestock, poultry or other animals.
- r. *Nutrient Management Plan* means a written plan and map, approved by the department detailing the amount, form, placement and timing of applied animal waste and other fertilizers.
- s. *Navigable Waters* means all natural inland lakes, streams, ponds, flowages, and the Wisconsin portion of the St. Croix River and other waters within the corporate limits of Polk County which are navigable under the laws of the State of Wisconsin. NOTE: The Department of Natural Resources defines a navigable waterway as having a bed and sides or banks, and that a water craft which is the smallest common to the region may be paddled through the water. Navigability may be established if a stream or lake can be navigated on some regularly occurring basis. (Based on United States Geographical Survey quadrangle maps)
- t. *Navigable* means all lakes, ponds, flowages, rivers, streams in Polk County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources’ publication *Surface Waters Resources of Polk County*, or are shown on the United States Geological Survey Quadrangle Maps. Lakes, ponds, flowages, rivers and streams not included in these documents may also be determined to be navigable. Also, Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Section 281.31(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under Section 59.692, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code do not apply to lands adjacent to farm drainage ditches if:

1. Such lands are not adjacent to a natural navigable stream or river;
 2. The drainage ditch was not a navigable stream before ditching; and
 3. Such lands are maintained in agricultural use.
- u. *NRCS* means Natural Resources Conservation Service of the U. S. Department of Agriculture.
 - v. *Ordinary High-Water Mark (OHWM)* means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.
 - w. *Permit* means a permit issued for all other requirements of this ordinance other than those requirements covered by the Certificate of Compliance and the Certificate of Noncompliance.
 - x. *Permittee* means a person to whom a permit is issued under this Ordinance.
 - y. *Person* means any individual, corporation, firm, partnership, joint venture, agency, unincorporated association, or unit of government.
 - z. *Qualified Nutrient Management Planner* means a nutrient management planner meeting the qualifications outlined in ATCP 50.48 (1) (2) Wis. Admin. Code.
 - aa. *Stop Work Order* means an order to cease any activity in the operation of, or construction of an activity subject to regulation.
 - bb. *Stormwater* means rainfall and runoff from rainfall.
 - cc. *Substantial Alteration* means any modification to an animal waste storage facility that alters the integrity of the structure or its liner; or the integrity, capacity and design requirements of the transfer system.
 - dd. *Unconfined Manure Pile* reference NR151.015(22), Wis. Admin. Code means a quantity of manure that is at least 175 cubic feet 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 stormwater access and direct runoff to surface water or leaching of pollutants to groundwater.
 - ee. *Waste Transfer System* means components such as pipes, conduits, valves, and other structures installed to convey manure and milking center wastes from buildings and animal feeding operations to a storage structure, loading area or treatment area.
 - ff. *Water Pollution* means contaminating or rendering unclean or impure ground or surface waters, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.
 - gg. *Water Quality Management Area* means reference NR151.015(24) and includes:
 1. Areas within 1,000 feet of the ordinary high water mark of navigable waters that consists of a lake, pond, wetland, or flowage, and
 2. Areas within 300 feet of the ordinary high water mark of navigable waters that consist of a river or stream or blue line in United States Geographical Survey Topographic Maps, as defined by WDATCP state WQMA map, and
 3. Areas with potential to be direct conduits for groundwater contamination, see NR151.002(11m) and NR151.015(18).

Section 2: Activities Subject to Regulation

2.01. Animal Waste Storage.

- a. Construction, substantial alteration, or closure of any animal waste storage structure or waste transfer system. Such construction, alteration, or closure will require a permit from Polk County LWRD. Permit requirements include design, construction and as-built plans approved by a professional engineer or engineer practitioner and meeting requirements of NRCS standards and specifications. Permit requirements also include an approved nutrient management plan and an updated checklist submitted annually, with the updated plan available to the Polk County LWRD upon request.
- b. There shall be no overflow of an animal waste storage facility.
- c. There shall be no leaking or failing manure storage facility.

2.02 Unconfined manure pile

- a. Prohibited within Water Quality Management Areas (within 1,000 of a lake, 300 feet of a stream, or direct conduit to groundwater – see definitions 1.05 gg, including within 250 feet of a private well, within 1000 feet of a municipal well, or on soils with less than 2 feet of depth to bedrock.
- b. In areas where unconfined manure piles are allowed, the piles shall be field spread and incorporated during the next field season following placement and under no circumstances shall an unconfined manure pile remain longer than 18 months.

2.03. Feedlots. There shall be no direct runoff from feedlots to waters of the state.

2.04. Degraded Pastures. Degraded pastures are prohibited where livestock access waters of the state.

Section 3: Standards, Specifications and Policies

- 3.01. Standards, Specifications and Policies. Compliance with this ordinance shall be administered by the Polk County Land and Water Resources Department and shall follow standards, specifications and policies as adopted by the USDA-NRCS including standards 313, 590, 634, 632, 629, and 360, the Wisconsin Department of Natural Resources Administrative Rule NR 151 and the Wisconsin Department of Agriculture, Trade and Consumer Protection Administrative Rule ATCP 50. Standards and specifications are minimums. Additional standards and specifications may be required in Water Quality Management Areas where shallow soil to bedrock, highly fractured bedrock, drainage to sinkholes or similar conditions exists.

Section 4: Permits and Certification Requirements

4.01. Animal Waste Storage Facility Permits:

- a. An application for a permit is required.
- b. The application shall include a completed application, fee, construction plans and nutrient management plan.
- c. The construction plans shall be certified and approved as meeting the requirements of this ordinance by an agricultural or civil engineer registered in the State of Wisconsin, or a Department of Agriculture Trade and Consumer Protection or Natural Resource Conservation Service engineering practitioner.
- d. The Nutrient Management Plan shall be certified as meeting the requirements of this ordinance by a Qualified Nutrient Management Planner.

- e. Within forty-five (45) days of receiving an application, plans and fee, the department shall inform the applicant in writing whether the application is approved or denied. If additional information is required, the department, within forty-five (45) days from the receipt of the additional information, must approve or reject the application.
- 4.02. Animal Waste Storage Facility Permit conditions:
- a. An approved application is on file with the department.
 - b. An approved animal waste storage facility plan which shall include:
 - 1. Existing and anticipated numbers and types of animals and animal units.
 - 2. Site map drawn at a scale of not less than one (1) inch equals forty (40) feet of the animal waste storage facility's location including identification of all buildings, navigable streams, and wetlands or water bodies within one thousand (1000) feet of the proposed animal waste storage facility.
 - 3. Structural details, including but not limited to dimensions, cross sections, concrete thickness, reinforcement schedules, thickness and placement of groundwater protection liners and elevations.
 - 4. Well locations within three hundred (300) feet of the animal waste storage facility.
 - 5. Soil test pits, soil depth boring locations, and soil descriptions using the Unified Soil Classification System to a depth of at least five (5) feet below the planned bottom of the animal waste storage facility, or to bedrock if at a lesser depth.
 - 6. Groundwater or bedrock elevation if encountered in the soil profile, and the date of such determination.
 - 7. Provisions for drainage and control of runoff to prevent pollution of surface and groundwater and the location and distance of water bodies.
 - 8. Drawing scale and associated keys.
 - 9. Timetable for construction.
 - 10. Description and details of methods for transferring animal waste.
 - 11. Plans signed by a P.E. with a statement that they meet NRCS standards and specifications.
 - 12. A Nutrient Management Plan signed and approved by a Qualified Nutrient Management Planner.
 - 13. Other additional information necessary to describe the construction, operation and maintenance of structures.
 - c. No construction has begun prior to the issuance of a permit.
 - d. Five (5) days notice is given to the department prior to any construction activity.
 - e. Permits are void if construction is not completed within eighteen (18) months of the permit issue date.
 - f. Extensions of up to one (1) year may be granted by the department upon written request from the permittee.
 - i. Prior to use of the manure storage facility, the department must issue a Certificate of Compliance, which requires:
 - 1. Red lined as-built construction plans signed and certified by an agricultural or civil engineer registered in the state of Wisconsin, or DATCP or NRCS certified engineering practitioner, that the animal waste storage facility and transfer system was installed as planned, including as-built dimensions and design changes made during construction, and that final construction meets NRCS standards and specifications.

2. An approved Nutrient Management Plan on file with the department, as well as in subsequent years a checklist must be submitted to the department and a copy of the Nutrient Management Plan provided to the department upon request.
- 4.03. Permit Exceptions for Animal Waste Storage Facilities
 - a. *Routine maintenance*
 - b. *Emergency repairs*
 - 4.04. Permit Fees. Fees shall be required for new and substantially altered animal waste storage facilities. Fees shall be established and modified and incorporated in the Polk County Land & Water Resources Department fee schedule by motion of the Polk County Board. Fees are non-refundable. Fees shall be waived for animal waste storage closure, but a permit is still required.

Section 5: Administration

- 5.01. Administration Duties. The Land and Water Resources Department shall administer this Ordinance. Administrative duties include:
 - a. Keep accurate records of all official actions.
 - b. Review plans and ensure compliance with this Ordinance.
 - c. Investigate complaints relating to compliance with this ordinance.
 - d. Provide technical and financial assistance to the extent available.
 - e. Monitor permitted activities for compliance with this ordinance.
- 5.02. Inspection Authority. Pursuant to Chapter 92.07(14), Wisconsin Statute, the department is authorized to enter upon lands affected by this Ordinance to ensure compliance. Refusing department staff access to any site may be grounds for permit denial, revocation, or other enforcement action.

Section 6. Enforcement

- 6.01. Enforcement Authority.
 - a. The department is authorized to issue Certificate of Noncompliance, Stop Work Orders, revoke permits, issue citations, and seek penalties or injunctions against any person who violates this Ordinance. The department shall provide written notification as to the reasons for the enforcement action.
 - b. A permit revocation or stop work order shall remain in effect until retracted by the department, or court of general jurisdiction.
 - c. The department director is authorized to refer violations or enforcement actions to the Corporate Counsel. The department may request the Corporate Counsel to obtain a cease and desist order, or any other form of injunctive relief as needed.
 - d. The department shall retract a Stop Work Order, a Certificate of Noncompliance, or the revocation of a permit upon compliance with this ordinance.
- 6.02. Certificate of Noncompliance. Conditions:
 - a. Issued after a site evaluation by the department.
 - b. Issued after a determination that a violation of this ordinance exists.
 - c. Certificate will allow activities subject to regulation to exist or continue, but recipients are subject to compliance prior to time frames specified on the notice.
 - d. Certificate will specify portions of this ordinance under which the violation occurs.
 - e. Certificate may be extended to allow for compliance with this ordinance.
- 6.03. Stop Work Orders. Conditions:
 - a. Activities regulated by this ordinance carried out without a permit or certificate.
 - b. A Certificate of Noncompliance has expired.

- c. Only actions related to any activity subject to regulation shall be ceased.
 - d. Forty-eight (48) hours after posting a stop work order where conditions threaten public health, safety, or welfare, or where the potential for severe offsite damage warrants immediate attention, the department may notify the violator of the county's intent to perform work necessary to comply with this ordinance and bill violator for costs incurred.
- 6.04. Citations. Under authority of Wisconsin Statute 66.0113 any person who violates or resists enforcement of this ordinance is subject to a citation for forfeiture of not less than \$10 or more than \$500, plus costs of prosecution for each violation. Each day that a violation exists may be a separate offense.
- 6.05. Injunctions. As a substitute for, or in addition to forfeiture actions, Polk County may seek enforcement of any part of this Ordinance by court actions seeking injunctions or restraining orders.

Section 7. Appeals

- 7.01. Procedure. The procedures under Chapter 68 of the Wisconsin Statutes shall apply. The department director shall act as the initial appeal authority pursuant to Wisconsin Statute 68.09(2). Any person having a substantial interest, which is adversely affected by the order, requirement, decision or determination made by the department may appeal to the department director. The appeal must be submitted within 30 days of the noncompliance determination.
- a. The request shall specify written evidence and the reason for the request, including which requirements from this ordinance are involved. A written decision shall be mailed to the appellant within 30 days of the appeal. The decision will affirm, deny, or modify the initial determination.
- 7.02. Appeals. If a person wishes to appeal the decision of the department director, a written appeal must be made within 30 days of the date of the decision. Any such appeal will be heard by the Polk County Environmental Services Committee. The provisions of Wisconsin Statute 68.11 and 68.12 shall govern any hearing and decisions to occur under this subsection.

Section 8: Effective Date

This Polk County Manure Management Ordinance shall take effect upon passage and publication, effective XX, XX, 2017



MINUTES

Environmental Services Committee

Government Center, County Board Room

Balsam Lake, WI 54810

9: A.M. Wednesday, March 15, 2017

Meeting called to order by Chair O'Connell @ 9:03 A.M.

Member Attendance

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Craig Moriak	Vice Chair	Present
Vacant	Supervisor	
Brad Olson	Supervisor	Present
Jim Edgell	Supervisor	Present
Dale Wood	Citizen	Present

Also present: Stephanie Fansler, Deputy County Clerk; Sara McCurdy, Director of Land Information; Dana Frey, County Administrator; Tim Ritten, Director of Land and Water Resources; Chuck Prissel, 4-H Youth Development Educator and Co-Department Head; Gail Peavey, Family Living Educator and Co-Department Head; Mary Pardee, Community Resource Development Educator; Julie-Keown Bomar, Northwest Region Director; and a member of the press.

Approval of Agenda - Chair O'Connell called for a motion to approve the agenda. **Motion by Edgell/second by Moriak** to approve the agenda. **Motion** carried by unanimous voice vote.

Approval of Minutes - Chair O'Connell called for a motion to approve the minutes of the March 1, 2017 meeting. **Motion by Moriak/second by Olson** to approve the minutes as presented. **Motion** carried by unanimous voice vote.

Public Comment – One public comment received.

Extension information/presentation – UW-Extension Polk County staff provided an overview of the University of Wisconsin System and how Cooperative Extension fits into it. Impacts in the programming areas of Family Living, 4-H Youth Development, Community Resource Development, Agriculture and Horticulture, and Nutrition Education in the county were highlighted. Regional Director, Julie Keown-Bomar, discussed the nEXT Generation project and answered questions from the committee regarding how Extension services and the county partnership may look in the future.

Chair O'Connell called for a break at 10:05 A.M. Meeting resumed at 10:23 A.M.

Subdivision Plat Review - Director McCurdy briefly explained a re-plat that will be coming before the Committee April 5th for final approval.

Update and briefing on Permit Expiration Provisions of the Proposed Polk County Floodplain Ordinance 12-17 - Director McCurdy provided the handout of a Floodplain Ordinance Amendment in accordance with federal law for the Committee to bring forward to County Board.

Review and Approval of the revised Manure and Water Quality Management Ordinance - the committee authorized Tim Ritten, Director of Land and Water Resources Dept. to submit for publication, Subchapter 12.1 draft ordinance as presented, for public hearing on April 19, 2017.

Identification of subject matters for Upcoming Meetings. April 5th – final Plat review, Museum ownership, Manure and Water Quality Management Ordinance. April 19th – Public Hearing regarding the Manure and Water Quality Management Ordinance.

Chair O’Connell called for a motion to adjourn. **Motion by Edgell/second by Moriak** to adjourn. Chair O’Connell called for the vote on said motion. **Motion** carried by majority vote. Meeting adjourned at 11:01 A.M.

Respectfully submitted,

Stephanie Fansler
Deputy County Clerk