



**Marathon County
Environmental Resources Committee Minutes
Thursday, September 5, 2019
212 River Drive, Wausau WI**

Attendance:	<u>Member</u>	<u>Present</u>	<u>Not present</u>
<i>Chair</i>	Jacob Langenhahn.....	X	
<i>Vice-Chair</i>	Randy Fifrick.....	X (arrived at 3:43 p.m.)	
	Rick Seefeldt	X	
	Jim Bove	X	
	Allen Drabek	X	
	Ashley Lange.....	X	
	Sara Guild.....	X	
	Allen Opall	X	
	Marilyn Bhend		X (<i>excused</i>)
	Kelly King	X	

Also present: Rebecca Frisch, Paul Daigle, Dominique Swangstu, Dave Decker, Lane Loveland, Cindy Kraeger – Conservation, Planning, and Zoning (CPZ); Jamie Polley – Park Recreation and Forestry (PRF); Kurt Gibbs – County Board Chair; Brad Karger – County Administrator; Jack Duffy, Brian Bushnell, Betty Bushnell, Dan Barth, Kathy Konle-Barth, Scott Miles, Bruce Chopp, Craig Paul, Rita Pachal, Kurt Mueller, Craig McEwen, Peter Weinschenk, Justin Krzanowski, Kathy Anderson, Joel Lewis, Jim Force, Brian Kowalski, Tee Vang, Ron Alexander.

1. **Call to order** – Called to order by Chair Langenhahn at 3:10 p.m. at 212 River Drive Room 5, Wausau, WI.
2. **Public Comment** – Kathy Anderson Marathon WI – Very pleased to see the manure spreading issue on the agenda and would like it to go forward with a public hearing. Agrees there is a phosphorus problem and nitrate problem. Need to think about how farming is being done. Referenced article in the Record Review about heating in the atmosphere.

Joel Lewis – Wausau, WI – Very happy to see the Energy Innovation and Carbon Dividend Act / Climate Solution on the agenda and that Marathon County is considering this.

3. **Approval of August 1, 2019 Environmental Resources Committee (ERC) minutes.**

Motion / second by King / Bove to approve of the August 1, 2019 Environmental Resources Committee minutes as distributed. Motion **carried** by voice vote, no dissent.

4. **Operational Functions required by Statute, Ordinance, or Resolution:**

A. Public Hearings, Review, Possible Actions, and Possible Recommendations to the County Board for its Consideration (County Zoning changes)

1. Tim Vreeland on behalf of Jeff Fraaza – G-A General Agriculture to R-R Rural Residential – Town of Plover

Discussion: Swangstu was sworn in, and reviewed the staff report, noting that the decision sheet had been included in the meeting packet. The applicant will be selling the areas to be rezoned to the adjacent lot which will create a compliant parcel in the Rural Residential district which has a 2 acre minimum.

The Town of Plover has reviewed the application and recommends approval without any concerns.

There was no additional testimony in favor or opposed to this rezone request. Testimony portion of the hearing was closed at 3:23 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: Motion / second by King / Drabek to recommend approval to County Board, of the Tim Vreeland on behalf of Jeff Fraaza rezone request. Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not in the Farmland Preservation Plan. Adequate facilities are present and providing public facilities will not burden local government. The rezone should not result in any adverse effect on natural areas. Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

2. Jason & Stacy Brusky – R-R Rural Residential to G-A General Agriculture – Town of Holton

Discussion: Swangstu was sworn in, and reviewed the staff report, noting that the decision sheet had been included in the meeting packet. The request to rezone is to clean up the existing split zoning on the parcel and to allow the applicant to possibly construct a large accessory structure in the area being proposed to be rezoned. The Town of Holton has reviewed the application and recommends approval without any concerns.

There was no additional testimony in favor or opposed to this rezone request. Testimony portion of the hearing was closed at 3:31 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Guild / Lange to recommend approval to County Board, of the Jason & Stacy Brusky rezone request. Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not in the Farmland Preservation Plan. Adequate facilities are present and providing public facilities will not burden local government. The rezone should not result in any adverse effect on natural areas. Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

3. Justin & Brittini Krzanowski – G-A General Agriculture to R-R Rural Residential – Town of Wien

Discussion: Swangstu was sworn in, and reviewed the staff report, noting that the decision sheet had been included in the meeting packet. The requested rezone is to allow the applicant to construct a single family home. The Town of Wien has reviewed the application and recommends approval without any concerns.

There was no additional testimony in favor or opposed to this rezone request. Testimony portion of the hearing was closed at 3:36 p.m. Committee deliberated and applied the standards for this request by reviewing and completing the decision sheet.

Action: **Motion** / second by Guild / Drabek to recommend approval to County Board, of the Justin & Brittini Krzanowski rezone request. Committee determined the rezone is consistent with the Marathon County and Town comprehensive plans, and is not in the Farmland Preservation Plan. Adequate facilities are present and providing public facilities will not burden local government. The rezone should not result in any adverse effect on natural areas. Motion **carried** by voice vote, no dissent.

Follow through: Forward to County Board for action at their next regularly scheduled meeting.

4. Marathon County General Code of Ordinances Chapter 13 Livestock Facilities Licensing Ordinance:

Proposed text amendments to clarify regulatory authority for livestock operations greater than 500 animal units, definitions, and address text changes relative to the committee of oversight

Discussion: Frisch was sworn in and clarified the public hearing is to clarify the existing language dealing with licensed facilities permit administration and to update definitions, text changes. The red lined code language in the packet does not include language dealing with high risk manure applications which is covered in the agenda item under policy.

Daigle was sworn in and discussed the summary of the proposed changes which include a number of definitions and to develop language to ensure no lapse of license for facilities over the 1000 animal unit threshold to continue to maintain the Livestock Siting license through the County until a DNR permit is obtained. Language was enhanced to provide clear guidance on compliance monitoring and enforcement action, if needed. An appeal process for enforcement decisions was also added. The proposed revisions are consistent with the Marathon County Comprehensive Plan, Strategic Plan (Objective 5.2 and 6.3) as well as the Land and Water Resource Management Plan.

Fifrick arrived at 3:45 p.m.

Committee discussed how this effected current facilities. Chair Langenhahn stated this could be referred to as "housekeeping". Questions on additional staff resources and there will be little or no impact; the staff will be more efficient guiding farmers through the process.

Chair Gibbs was sworn in and is concerned about the possibility of doubling of penalties from CPZ and the Department of Natural Resources if a farm increased the animal units from the number listed on the permit from 700 to 999 and applied for a Concentrated Animal Feeding Operation (CAFO) over 999.

Frisch recommended discussion with Corporation Counsel to address the concerns relating to the enforcement and language. There was no additional testimony in favor or opposed to this request.

Testimony portion of the hearing was closed at 4:00 p.m.

Action: **Motion** / second by Guild / Bove to recommend approval to County Board, of the Marathon County General Code of Ordinances Chapter 13 Livestock Facilities Licensing Ordinance: Proposed text amendments to clarify regulatory authority for livestock operations greater than 500 animal units, definitions, and address text changes relative to the committee of oversight. Motion **carried** by voice vote, no dissent.

Follow through: CPZ to follow up with Corporation Counsel regarding the stepped up enforcement process.

5. Educational Presentations/Outcome Monitoring Reports

A. Strategic Plan discussion

Discussion: McEwen discussed the progress with the Committee on the objectives 5.2 and 6.3 from the Strategic Plan. Discussion occurred regarding reporting on the progress of these items to County Board in achieving the goals. The Committee regularly discusses the relationship of the Strategic Plan with the items they are discussing at their meetings. Committee members mentioned several actions carried out that are moving the county closer to the plan objectives.

Action: None.

Follow through: Chair Langenhahn will develop a list of items of progress to report to County Board.

B. Review of proposed policy revisions relating to the Land Division Code Ordinance, Chapter 18

Discussion: Decker discussed the memo of the proposed policy revision related to the Land Division Code of Ordinance, Chapter 19 which was included in the meeting packet. Decker and Frisch are in the process of updating and enhancing the Marathon County Land Division Ordinance, Chapter 18. Discussion indicated the support for protecting towns from the issues that evolve when private roads are created through the land division process and for establishing a county wide minimum parcel size.

Action: **None**, for informational purposes only.

Follow through: CPZ staff to continue to draft language, distribute to surveyors and towns for feedback, and to hold a public hearing in the upcoming months.

Chair Langenhahn called for a 5 minute recess.

C. Proposed resolution urging Congress to support market-based, bipartisan climate solution (H.R.763)

Discussion: Chair Langenhahn invited 2 individuals whom Supervisor Lange had previously requested to have present information to the Committee. Barth discussed ways to drive down carbon pollution and bring climate change under control. Bushnell discussed the policy and how the fees collected on carbon emissions will be allocated to all Americans. Langenhahn stated this is not a policy item; committee members provided feedback on the pros and cons of the county being involved in the climate change discussion.

Action: **None**, for informational purposes only. Committee may revisit resolution in the future if it wants to take action.

Lange was dismissed at 5:15 p.m.

D. Proposed resolution for more local control of Livestock Facility Licensing

Discussion: Resolution was in the packet for information purposes. Supervisor Lange had resolution put on agenda for discussion and education but had to leave the meeting prior to discussion.

Action: None.

Follow through: The committee may revisit this resolution at a future date.

E. Land and Water Resource Management Plan (LWRMP) 2020: Update and proposed timeline for plan development and approval

Discussion: Daigle reviewed the memo that was included in the meeting packet of the action and timeline plan.

Action: **None**, for informational purposes only.

Follow through: CPZ will provide more information in the upcoming months of the new Land and Water Resource Management Plan.

F. Department Updates: Parks, Recreation, and Forestry (PRF), Conservation, Planning, and Zoning (CPZ)

PRF

1. Consider completing the on-line County Forest Plan Revision Survey by September 25th

Discussion: Polley stated a memo was sent to the County Board Supervisors regarding completing the County Forest Plan survey by September 25, 2019.

Action: **None**, for informational purposes only.

CPZ

1. Memo on grants

Discussion: Frisch discussed the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) soil and water resource management program recently released the 2020 preliminary allocation plan for conservation program grant funding memo which was included in the meeting packet.

Action: **None**, for informational purposes only.

6. **Policy Issues Discussion and Committee Determination to the County Board for its Consideration**

A. Should Marathon County develop more restrictive standards for the application of manure during high risk times for farms licensed by the County?

1. Marathon County General Code of Ordinances Chapter 13 Livestock Licensing Ordinance: Proposed language regarding the application of manure during high risk times for farms licensed by the county

Discussion: CPZ staff developed a policy white paper on phosphorus, public participation, considered alternatives, costs and proposed language at previous meetings. Draft language was included in the packets as requested by the ERC. Committee discussed language, possible problems, financial impact to farmers, and other reasons this proposal may not be feasible. Langenhahn has concerns with the bad timing with family farms fading and doesn't agree that this policy follows the definition of Strategic Plan Objective 5.2 promote sound land use decisions that conserve and preserve natural resources in decisions with economic development and growth. Guild stated the concerns with issues with ground water contamination, the effects on businesses, and concerns from constituents. Guild would like more feedback from constituents in which this policy deserves additional consideration. Chair Gibbs was to be included in the discussion. Gibbs questioned the impact to farmers, cost to administer, and suggested an economic analysis should be considered before this language is adopted. Bove believes farm failures are a result of overproduction and tariffs and not the additional costs. Guild would like to get additional voices and have a timeline to implement a public engagement process. Frisch clarified that any facility expansion would be eligible for the cost share program.

Action: **Motion** / second by Guild / Fifrick to have CPZ staff develop an outline for a public engagement process with environmental groups and agriculture producers to pursue, further develop or cease development of the stricter manure standards.

Langenhahn called for a roll call vote to motion.

Motion **failed** by roll call vote 3 yes - Guild, Bove, Fifrick; 5 no - King, Langenhahn, Drabek, Seefeldt, Opall.

Action: **Motion** / second by King / Seefeldt to amend the motion to not move forward with the proposed language regarding the application of manure during high risk times for farms licensed by the county.

Action: **Vote** on the motion to amend the motion not to move forward with the proposed language regarding the application of manure during high risk times for farms licensed by the county.

Motion **carried** by roll call vote 5 yes - King, Langenhahn, Drabek, Seefeldt, Opall; 3 no - Guild, Bove, Fifrick.

Follow through: None.

B. Legislative and Budget Report: current and future legislative initiatives, DATCP public hearings

Discussion: Loveland distributed the legislative report. CPZ will monitor the federal budget and update the Committee of any impacts. Committee members were briefed on the opportunity to provide public comment on ATCP 51 proposed rule changes. Committee came to the consensus that a special meeting between Chair Gibbs, Chair Langenhahn and Vice Chair McEwan be called to provide county comments on proposed state ATCP 51 rule changes. This action is authorized by county board rules.

Action: **None**, for informational purposes only.

Follow through: CPZ will continue to monitor legislative actions.

7. **Next meeting date, time & location and Agenda items:**

Thursday, October 3, 2019 3:00 p.m. 212 River Drive, Room 5 Wausau WI

A. Committee members are asked to bring ideas for future discussion

- PRF survey results

B. Announcements/Requests/Correspondence

8. **Adjourn – Motion** / second by Opall / Bove to **adjourn** at 6:10 p.m. Motion **carried** by voice vote, no dissent.

Rebecca Frisch, CPZ Director

For Jacob Langenhahn, Chair

cc: (via email/web site) ERC members; County Administrator; Deputy County Administrator; Corporation Counsel;
County Clerk RF/cek