



**MINUTES**  
**ROCK COUNTY LAND CONSERVATION COMMITTEE**  
**Wednesday March 1, 2023, 7:25 P.M.**  
**USDA Service Center, 440 N Hwy 14 and Virtual via Zoom**

1. **Call to Order:** Chair Bostwick called the meeting to order at 7:25 pm.

**Committee Members Present:** Rich Bostwick, Ron Bomkamp (zoom), James Quade, Genia Stevens (Zoom), Alan Sweeney and Debi Towns.

**Committee Members Excused:** Janelle Crary, Kim Schneider

**Others Present:** Teresa Zimmer (FSA CED), Ashley Roscoe (Conservation Specialist) and Andrew Baker (Director)

2. **Approval of Agenda:** Supervisor Stevens moved to approve the agenda as presented, seconded by Mr. Quade. **Motion carried unanimously.**
3. **Approval of Minutes** – February 1, 2023. Supervisor Stevens moved to approve the minutes as presented, seconded by Supervisor Sweeney. **Motion carried unanimously.**
4. **Citizen Participation, Communications, and Announcements.** Teresa gave an update of the FSA activities going at. She also explained a number of the active programs.
5. **Action Item. Land and Water Resource Management Program - Approval of Cost Share Agreements**
  - A. LR-012.23 William & Jacqueline McNall Rev Trust - Nutrient Management
  - B. LR-013.23 William Jacob McNall - Nutrient Management
  - C. LR-014.23 Katherine Marie McNall - Nutrient Management

Andrew explained that these contracts are all for nutrient management planning, which is paid at \$40 per acre. The LCC reviewed a spreadsheet that includes the acres and contract amounts. The Committee was comfortable acting on this group of contracts with a single vote.

Supervisor Sweeney made a motion to approve items A-C above, seconded by Mr. Quade. **Motion carried unanimously.**

D. LR-015.23 Craig Case - Waterway System

Ashley explained the waterway project. This is being installed to address erosion concern stemming from concentrated flow coming off the street in Orfordville. It is not a management issue by the landowner, so a waterway is the best solution.

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

**6. Action Item: Conservation Plan Update for Property with CREP Perpetual Easement**

A. Decklyn Investments LLC - Newark Township

Ashley explained that this property includes a CREP perpetual easement. The easement area requires some maintenance of woody vegetation. Also, a waterway is required in the surrounding farmland and the grading will extend slightly into the easement area. This requires a modification to the easement management plan and conservation plan, which necessitates a Committee approval. Ashley and Teresa explained that CREP is a partner program with CRP (Conservation Reserve Program). A landowner as the option of entering into a perpetual easement the commences at the time the original CRP contract expires (15 years). At that point, DATCP and LCD staff take over maintenance and monitoring (which was done by NRCS or FSA during the CRP contract). Staff time is not reimbursed, but rather included as part of the DATCP staff grant. DATCP reimburses the county for materials to mark boundaries. Rock County has the largest number of CREP agreements in the state. Supervisor Towns asked about the source of funding for CREP. Andrew will look into that and inform the Committee.

Mr. Quade made a motion to approve, seconded by Supervisor Towns. **Motion carried unanimously.**

**7. Action Item: Request for Erosion Control Permit Waiver (Approvable by Committee Action Only)**

A. M3 Management LLC - Parcel 6-9-202.1 - Johnstown Township

Andrew reviewed the request and referenced the application materials in the packet. A waiver can be requested for various reasons, one of which a determination that there will be no appreciable off site impact from the project. In other words, any sediment from land disturbing activity or long terms storm water runoff will not impact neighboring properties or waters of the state (including wetlands).

This is an after the fact request. The landowner intends to build a residence, but need to clear some of the wooded parcel to complete soils test for septic system and stability tests for the structure itself. Therefore, no permits associated with the house have been obtained. One and two family dwellings are automatically exempt from the County Erosion Control Ordinance

because erosion control measures are covered by the UDC Permit and monitored by the Building Inspector. However, since no UDC permit has been obtained, the County Permit (or Waiver) is required. Staff is recommending approval of the waiver based on lack of offsite impact. The landowner checked into getting a permit, but noted the exemption for UDC construction and determined that no County Permit was required. It is a staff policy that in order for the exemption to apply you must have the UDC permit in hand (not planning on obtaining it). In other words, the site has been covered by one or another.

The Committee viewed the property sketches that were included with the waiver application by the applicant. There was a question of whether or not the residence would be built this year, and completed, simply due to the size. Andrew noted that the Town has contemplated requiring a zoning change because it may not be necessary "fit" in the exclusive agricultural district.

Due to this question of schedule, Supervisor suggested that any approval should include a condition that the site be stabilized by September 15<sup>th</sup>, 2023 if a UDC permit is not in place.

There was discussion of whether or not it is appropriate to act on this waiver because there are questions about when, and if, a residence will be built (again considering the size of the planned structure). Supervisor Stevens feels that more questions should be answered before the action is taken. Andrew reiterated that the staff recommendation is based on little or no offsite impact of the construction project, which can apply to any land use. In other words, the waiver is not tied to the ordinance exemption for residential construction. That was simply brought up because the landowner noted it on their application as to why they didn't get a permit in advance of starting work (as explained above).

Supervisor Sweeney made a motion to approve with the condition that the site be stabilized by September 15<sup>th</sup>, 2023 if a UDC permit is not in place, seconded by Supervisor Towns. **Motion carried 5-1 vote (Stevens).**

8. **Review Bills Paid – February Payments.** Andrew reviewed the payments. There were no questions.
9. **Adjournment:** Mr. Quade made a motion to adjourn at 8:20pm, seconded by Supervisor Towns. **Motion carried unanimously.**

Respectfully Submitted,

Andrew Baker  
Director

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

G: office/lcc/lcc2023/M030123