

# Richland County

Land & Zoning Standing Committee

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July 26, 2022

## NOTICE OF MEETING

Please be advised that the Richland County Land & Zoning Standing Committee will convene at 3:00 p.m., Monday, **August 1, 2022** in the Richland County Board Room 181 W. Seminary Street or join via WebEx found at

<https://administrator.co.richland.wi.us/minutes/land-zoning/>

\*Meeting materials for items marked with an asterisk may be found the above site.

### Agenda:

1. Call to order
2. Proof of notification
3. Agenda approval
4. Approval of June 27, 2022 minutes

### Action Items:

5. Zoning petitions
  - a. \*McGlynn/Wichel Conditional use petition
6. Gotham light issue with Conditional Use permit

### Administrative Report:

7. \*Land and Water Resource Management Plan Update
8. \* Land Conservation 2021 Annual Report
9. Farm Service Agency Report
10. Recreation/short-term Rental Property information and discussion
11. Update on Ash Creek Trail Mowing
12. Report on other Wisconsin County Staffing levels and Combined Land/Zoning departments
13. 2023 Budgets

### Personnel:

14. Conservation Technician Position Update
15. GIS/Sanitation Position
16. Introduction of Zoning Staff

### Closing:

17. Public Comment
18. Future agenda items
19. Adjournment

## **Amended Agenda Items in Bold**

A quorum may be present from other Committees, Boards, or Commissions. No committee, board or commission will exercise any responsibilities, authority or duties except for the Finance and Personnel Committee.

CC: Committee Members, Richland Observer, WRCO, Courthouse Bulletin Board, County Clerk, County Administrator

**Richland County  
Land & Zoning Standing Committee  
Meeting Minutes  
June 27, 2022**

The June 27<sup>th</sup>, 2022, Land & Zoning Standing Committee meeting was called to order 3:00 p.m. by Chair Melissa Luck. Present were Julie Fleming, Steve Carrow, Melissa Luck, Dave Turk was on-line, Mike Bindl, Dan McGuire and Cathy Cooper. Linda Gentes was late. Mike Bindl, Cooperation Council Mike Windle, John Couey, Rick Burkhamer, Ted & Jim Chitwood, Alayne Hendricks, Greg Rognholt, Tom & Kathy Jurgensen, Alex Callaway, Bob & Patricia Grimm and Tom Gavin.

Dan McGuire moved to approve the agenda and proof of notification. Seconded by Steve Carrow. Chair Luck did inform those in attendance that she will be moving some things around to accommodate some. Motion carried.

Chair Luck went through the web-ex protocol.

Chair Melissa Luck asked for any corrections or amendments to the June 6<sup>th</sup>, 2022, Motion made by Julie Fleming to approve the minutes, second made by Dave Turk. Motion carried.

#5 Public Comment, none. Chair Luck noted that there will be a dark skies presentation later in the meeting.

Action Items

#6 Zoning

- A. CKC Partnership/Chitwood Petition-Zoning Administrator, Mike Bindl presented the petition to the board. They wish to parcel out the home and the outbuildings of 3.3 acres, leaving the balance with the partnership. Ted Chitwood, member of the partnership filled in the board with the out is on the acres he wishing to rezone. Mike Bindl informed the board that the CSM (certified survey) has been done. Motion made by Steve Carrow to approve this request and to forward it on to County Board. Second made by Dan McGuire. Motion carried.
- B. Mellum petition-Zoning Administrator Mike Bindl presented the petition to the board, this parcel is less than 35 acres, and the new property owner is wishing to bring everything into compliance with the current Zoning Ordinance. The current parcel is 29 acres. Motion made by Steve Carrow to approve this request and forward on to the County Board. Second made by Julie Fleming. Motion carried.
- C. Jurgensen petition- Zoning Administrator Mike Bindl presented the petition to the board, this is for a recreational rental. Motion made by Julie Fleming to approve this as a recreational rental, second made by Dave Turk. Motion carried.
- D. Goethel petition- Zoning Administrator Mike Bindl presented the petition to the board, this is for a conditional use permit to replace an existing mobile home with a new one. According to the current Zoning Ordinance a mobile home requires a conditional use permit. After further discussion motion was made by Steve Carrow, second made by Julie Fleming. Motion carried.
- E. Aspenson/Callaway petition- Zoning Administrator Mike Bindl presented the petition to the board, this is for a 2.5-acre parcel off the platted area in Orion, the town board has approved this rezoning. Motioned by Steve McGuire to approve the rezoning request second made by Julie Fleming. Motion carried.
- F. Grimm petition- Zoning Administrator Mike Bindl presented the petition to the board, Mr. Grimm is requesting to combine the property to one zoning and then creating 2 buildable lots zoned residential 2. Motion made by Julie Fleming to approve the request, second by Steve Carrow. Motion carried.

- G. Hendricks/Rognholt petition- Zoning Administrator Mike Bindl presented the petition to the board, they are requesting to split the current 40-acre parcel to a 30 and a 10 with the buildings. Both lots will be less than 35 acres and request to zone both as residential. Motion made by Dave Turk to approve the request, second made by Julie Fleming. Motion carried.
- H. Shivaya petition was presented by Zoning Administrator Mike Bindl, this parcel needs to be brought into conformity with the current zoning ordinance. Motioned by Julie Fleming to bring this parcel into conformity and zone it Ag/Res, second made by Dan McGuire. Motion carried.

#15 Dark Skies presented by Scott Lind.

#7 Resolution approving Hub-Rock Contract. Cathy presented this, motion made Steve Carrow to approve the resolution and send it on to County Board, second made by Julie Fleming. Motion carried.

#8 Reappropriation of Mill Creek Fund 75 money. Motion made by Steve Carrow to return balance of \$93,000 to the County Board. Second made by Julie Fleming. Motion Carried,

#9 Threshold on Project Approvals. Motion made by Steve Carrow to approve up to \$30,000 for cost sharing and send this on to rules and planning, second made by Julie Fleming. Motion carried.

#10 Gotham light issue with Conditional Use permit. Regarding a letter from a property owner and the lights on the buildings and a light on a pole. Mike Bindl went through the progression of storage units being built and the lights that are being added to the storage units. The light on the pole to shining into the backyard of a home that is 1,000 feet away. Chair Luck is suggesting having both parties at the next meeting to discuss the situation.

#11 Recreational rental tourist rooming in zoning districts. Mike Bindl presented this (Linda Gentes came to the meeting); this needs to be added to all zoning districts. Motion made by Linda Gentes to amend the zoning ordinance to include by conditional use permit (CUP) short term recreational rental in Ag/For, Ag/Res, Res-1 and Res-2 second made by Julie Fleming. Discussion followed. Motion carried.

#12 Mill Creek Dam inspections- Cathy Cooper presented this, Vernon County wrote a proposal. Richland agreed with it, and we now have 7 counties that will be writing with Davy Engineering firm from 2023 thru 2027 to do the inspections on the dams in the different counties.

### Administrative Report

#13 Update on Plat of Survey project. Mike Bindl stated that Administrator Langrick is in the process of signing a contract. At this point this can be removed from the agenda.

#18 GIS/Sanitation Position- Mike Bindl reported that there will be 4 months before we can fill the GIS position however, no one can find the written policy for this. This will be on the next agenda under action items. Committee members Dave McGuire and Dave Turk had to leave the meeting. Corporation Council Mike Windell also had to leave the meeting.

#17 Conservation Technician Position Update-Cathy and Clinton met last week and put together a job description and placed the ad in all places that need to be until the 15<sup>th</sup> of July.

#14 Land & Water and Resource Plan Update- we need to add more on climate change to the plan keep well studies in the plan. This plan needs to go to the DNR in August for review, but this will go to County Board for Approval in October. Chair Luck & Cathy will be presenting this to the state in December. Best Management practices need to be added back in. We need to explore grant writing and having citizens voluntary in the studies. We need to have the nutrient management and livestock

ordinances updated. We do have a Facebook page. Any questions please contact Cathy before the next meeting. The 2012 plan is posted on the Land Conservation web page under news.

#16 Farm Service Agency Report, JoAnn Cooley was not at the meeting.

Personnel

#18 Introduction of Zoning Staff- staff had already left.

Closing

#19 Future agenda items

#20 Adjournment.

Next meeting date is set for August 1<sup>st</sup>, 2022, at 3pm. Linda Gentes motioned to adjourn the meeting, second made by Julie Fleming. Motion carried. Meeting adjourned at 5:25 pm.

Respectfully submitted,

*Cathy Cooper*

Cathy Cooper  
Secretary pro temp  
Land & Zoning Secretary  
CC/tcb



Customer # 2955

Petition # RZ2022-014

**COUNTY OF RICHLAND ZONING COMMITTEE  
NOTICE OF PETITION**

Original Owner: Tom McGlynn

(I) (We) First Name(s) Tom &amp; Winifred Last Name McGlynn Phone (608) 983-2213 Owner

Address 12043 Soules Creek Dr City Cazenovia State WI Zip 53924

First Name(s) Lucas Last Name Winchel Phone Petitioner

Address E16249 ST JOHNS AVE City HILLSBORO State WI Zip 53634-

hereby petition the Richland County Zoning Committee for a:

☐ Rezone from Rezone to☒ CUP to permit Non-Metalic Mining☐ SUP to permit☐ Other

Authorized by Section(s) II H 3 g of the Richland County Zoning Ordinance.

Present description of the property involved in this petition is as follows: Parcel # 52014 1443-0000

Qtr SW Qtr SE Section 14 Town 12N Range 1W Township HRN # of acres 0.00

Lot Block Subdivision # of Acres Approved 0.00

Present Use Ag land

Present Improvements vacant

Proposed Use Non-metalic mine

Legal Description

Petition Filed 7/5/2022 Petitioner Notified Rezone Decision Ordinance #

Catagory CUP Town Notified CUP Decision CB Date

Fee Amount \$500.00 ☐ Township Approval CUP Expires CB Decision

Meeting Date 8/1/2022 Decision Date SUP Decision Amendment #

Comments Was a mine and then in 2000, it was noted not to be a mine anymore with the NR135 program. So starting from scratch paper work. Zoned Industrial when town adopted county Zoning

County Clerk Approval

(Signed) Appellant(s) or Agent(s)



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1441  
DAVID M HANZEL  
40.48

THOMAS J JR & WINIFRED A MCGLYNN  
33.57  
1332-1

1331-1

JEFFERY G & VEVA L BROCKWAY  
2.48  
1332-21  
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MICHAEL & CASSAUNDR A HASSE  
24.38  
1334-2

MICHAEL N & LINDA L KONS  
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THOMAS J JR & WINIFRED A MCGLYNN  
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1424 KENNETH M DVORAK  
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1413 KENNETH M DVORAK  
39.36

1414 DAVID M HANZEL  
39.37 THOMAS J JR & WINIFRED A MCGLYNN  
37.85

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1431 DAVID M HANZEL  
38.54

1442 DAVID M HANZEL  
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1441 DAVID M HANZEL  
40.48 THOMAS J JR & WINIFRED A MCGLYNN  
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THOMAS J JR & WINIFRED A MCGLYNN  
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1333-1 MICHAEL N & LINDA L KONS  
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MICHAEL W SIMPSON & ANGELA K WARDELL  
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MICHAEL W SIMPSON & ANGELA K WARDELL  
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2422 MICHAEL N & LINDA L KONS  
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## **Town of Henrietta**

### **Meeting Minutes**

**April 14, 2022**

Town Officers present: Verlin Coy, Jim Klang, Kenny Dvorak, Diane Brown, Rachael Aide

Town Officer(s) excused absent: None

Citizen(s) present: None

Guest(s) present: Lucas Winchel

Chairman Coy called the meeting to order at 7:00 P.M.

Agenda read by Coy. Klang makes motion to approve agenda with no additions or corrections, Dvorak seconds, no discussion, motion carried.

Aide reads 3.10.22 meeting minutes. Dvorak makes motion to approve 3.10.22 meeting minutes with no additions or corrections, Klang seconds, no discussion, motion carried.

Brown gives April 2022 financial report. Klang makes motion to approve April 2022 financial report, Dvorak seconds, no discussion, motion carried.

Chairman Coy opened the meeting up for citizen comments. No comments from citizens.

Lucas Winchel from Green Tech approached the Board with a request of reopening the quarry on the Tom McGlynn property. Winchel stated his company would be liable for any damages done to the roads. Winchel is looking at a 10-year minimal lease with this quarry if everything goes well. Dvorak makes motion to re-open the quarry on Tom McGlynn's property, Klang seconds, no discussion, motion carried.



# 2022 Richland County

Land and Water Resource Management Plan



# Acknowledgements

The Richland County Land and Water Resource Management was put together by:

## **Land Conservation Department**

Cathy Cooper	County Conservationist
Kent Marshall	Planner/Technician
Tammy Cannoy-Bender	Secretary

## **Land and Zoning Standing Committee**

Melissa Luck	Chair
Linda Gentes	Vice-Chair
David Turk	Secretary
Steve Carrow	
Julie Fleming	
Dan McGuire	

## **Advisory Committee Members**

Doug Duren	Woodland Owner
Rob Sebranek	Dairy and Cash Grain Farmer
Virginia Hatfield	Organic Dairy Farmer
Pete Mathews	Beef and Cash Grain Farmer
Scott Hoffman	Beef Farmer
Brian McGraw	Eagle Town Chair
Deb Lord	Citizen
Tim McDonald	Mead Producer and Apiarist
John Cler	Conservation Congress
Marilyn Loft-Houck	Citizen

## **Technical Committee**

Mike Bindl	Zoning Administrator
JoAnn Cooley	FSA County Executive Director
Cathy Cooper	LZC County Conservationist
Dale Gasser	DNR Specialist
Carolyn Idhe	UWEX Agriculture Agent
Juli Van Cleve	DNR Forester
Kent Marshall	LZC Conservation Planner
Carlton Peterson	NRCS District Conservationist

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# Introduction

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In 1996, the concept was proposed that counties use a locally led process to develop plans that emphasize local resource concerns. This concept was promoted by the Wisconsin Land and Water Conservation Association during legislative deliberations in the spring and summer of 1997. County Land and Water Resource Management plans became part of landmark State legislation signed into law in October 1997, part of Wisconsin Act 27.

Richland County has looked at the process as an opportunity to work with county residents to develop a strategy and plan of action to protect the natural resources of Richland County. This is also an opportunity to strengthen landowner participation, improve program effectiveness and increase coordination with other cooperating partners involved with natural resource management.

Richland County developed its first plan in 1999. The plan was updated in 2001 and in 2007. A full plan update and revision was completed in 2012 with a plan review in 2017. The 2012 plan remains in effect until this plan is approved. The work plan has been updated each year to show what is planned to be done in that year and reflect any potential changes in resource needs.

The vision of this plan is “To enhance and/or protect the natural and agricultural integrity of this county for the future, by utilizing sound environmental and economic strategies and practices.” The mission of this plan is “To develop the ways and means to implement the vision of this plan.”

## **Planning Process**

The Local Advisory Committee met on January 25, 2022. This diverse group came up with 30 different resource concerns. The top six resource concerns were:

- ⇒ Control noxious weeds and invasive species
- ⇒ Grazing cover crops
- ⇒ Include some form of pollinator habitat through all conservation programs
- ⇒ Increase planting of native species of trees, shrubs, grasses and forbs
- ⇒ Improve wildlife habitat
- ⇒ Encourage more marginal land to be enrolled in CRP/CREP

The other resource concerns were:

- ⇒ Reduce soil erosion
- ⇒ Restore streams, where possible, to old channels and connect to floodplain
- ⇒ Reduce nitrate/nitrite contamination of wells
- ⇒ Better management of CRP cover



- ⇒ Better nutrient management for cropland and pastureland
- ⇒ Good manure application management
- ⇒ Loss of habitat along streams (improve fish habitat)
- ⇒ Cost sharing for well abandonment
- ⇒ Fencing
- ⇒ Regulating contour buffer strips to prevent narrowing
- ⇒ Educate landowners about conservation and farming
- ⇒ Slow nutrients reaching streams and other surface water
- ⇒ Reduce barnyard runoff
- ⇒ Improve wildlife health
- ⇒ Improve water quality and use of soil nutrients through grazing and cover crops
- ⇒ Better nutrient management for cropland and pastureland
- ⇒ Forest management for diversity and oak regeneration
- ⇒ Seed drill for native seeds
- ⇒ Green space along some streams for habitat for hiking, fishing access
- ⇒ Use of marginal land for grazing
- ⇒ Improve deer health
- ⇒ Identify areas where water infiltrates and protect from contamination
- ⇒ Design, construct and manage streambank practices and buffer strips so they don't back up water onto crop fields
- ⇒ Install waterways where needed and keep natural grass waterways.

This plan addresses in the objectives most of the concerns that were brought up by the Advisory Committee.

The Technical Committee met on February 21, 2022. This committee was comprised of staff from Land Conservation, Natural Resources Conservation Service, Farm Service Agency, UW-Extension and Department of Natural Resources.

The goals of the 2022 plan are:

- ⇒ Reduce soil erosion
- ⇒ Enhance, maintain and protect the surface water and groundwater quality
- ⇒ Prevent over application of nutrients
- ⇒ Reduce and prevent occurrences of manure spills
- ⇒ Prevent and control the spread of invasive species
- ⇒ Improve the quality of forests

Members of the Land and Zoning Committee (LZC) were given reports on the plan at the regular Land and Zoning meetings. The Draft plan was submitted to the

Department of Agriculture, Trade and Consumer Protection (DATCP), Department of Natural Resources (DNR) and Farm Service Agency (FSA) for review in early August. Their comments were incorporated into the plan.

The Advisory Committee was sent a copy of the plan the last week of September to review the plan before it was taken to public hearing. As a requirement of the plan guidelines, a public hearing was held on October 3, 2022 at the Richland County Courthouse during the Land and Zoning Standing Committee and to the Richland County Board of Supervisors October 2022 meeting. The Richland County LCD will submit the plan to the Land and Water Conservation Board (LWCB). The LWCB will review the final plan at their December 5, 2022 meeting for their approval.

## **County History and Trends**

Richland County is located in Southwest Wisconsin in the heart of the unglaciated part of Wisconsin known as the Driftless Area. The southern border of Richland County is the Wisconsin River. Crawford County borders Richland on the West with Vernon County bordering on the West and North and Sauk County bordering on the North and East. There are 16 townships, 5 incorporated villages and 1 city. The county is approximately 620 square miles or 377,170 acres. The City of Richland Center is the county seat.



The geology of the county is outcroppings of limestone near or at the top of the bluffs with substratum sandstone. The county consists of steep hillsides, fertile valleys and an abundance of springs. Because of the geology and the springs, Richland County has approximately 268 miles of trout streams with 111 miles of them being Class I trout streams.

The earliest inhabitants were probably the Mound Builders. They built many different types of mounds, many of them located near the Wisconsin River. There is a concentration of these mounds located on land now owned by the Ho-Chunk Nation. Later, the Sauk, Fox, Winnebago and Potawatomi Indians inhabited the county. Historical records show that Black Hawk crossed the county just before he made his last stand at Bad Ax.

The first Europeans who came to the county settled near the Wisconsin River in the area now known as Port Andrews in 1840. According to the 2020 Census Data, the population has grown to the current number of 17,304 residents. The county seat of Richland Center has 5,114 residents. The different ethnic groups that settled in certain areas of the county are still evident today in the names of the people.

The face of Richland County is changing. There are more non-resident landowners, fewer dairy farms, less hay being grown and more cash grain crops being grown. Data from the Wisconsin Agriculture Statistics and Census of Agriculture show a decrease in hay and an increase in corn and soybean acres over a 20-year period.

*Table 1. Changes in crop acres*

	1997	2002	2007	2012	2017	% change
<b>Hay</b>	63,421	50,799	48,726	39,112	39,931	-37%
<b>Corn</b>	34,243	32,760	34,737	42,270	44,091	+22%
<b>Soybeans</b>	4,834	9,429	8,188	11,936	16,681	+71%

The number of dairy cows and dairy farms have also decreased in that same period as documented by the Wisconsin Agriculture Statistics and Census of Agriculture.

*Table 2. Livestock changes*

	1997	2002	2007	2012	2017	% change
<b>Dairy Herds</b>	350	249	199	159	118	-66%
<b>Milk Cows</b>	18,686	15,263	15,161	14,800	16,804	-10%

During the Middle Kickapoo River Non-point Watershed project, there was a dramatic decrease in the number of livestock operation in the Richland County portion of the watershed. The inventory done in 1990 showed that there were 40 livestock operations. At the end of the project in 2004, there were less than 10 left. What does that mean for Richland County? The decrease in cattle, dairy and beef, leads to less hay being grown. The land is still being farmed. The producers are changing to corn and soybean productions. In a county with steep hills and valleys, it means a greater chance for soil erosion and runoff unless conservation practices are used.

The 2017 USDA Census Data shows there were 1,103 farms. The sizes of farms have fluctuated over the years. Many of the farms are getting split and the woods and marginal land sold to non-farmer. The cropland is being bought by larger farming operations.

*Table 3. Farm size and type*

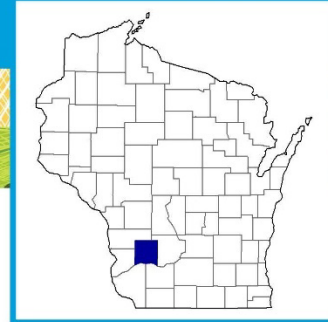
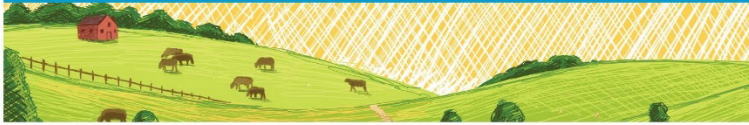
	1997	2002	2007	2012	2017
<b># Farms</b>	1,032	1,358	1,545	1,260	1,103
<b>Farm Acres</b>	238,266	257,809	253,776	227,833	220,843
<b>Average ac</b>	231	190	164	181	200

Most livestock operations, although growing in size, have not become very large operations. There are currently 1 hog farm and 2 dairy farm in Richland County who have a DNR WPDES permit for having over 1,000 Animal Units.

Many out-of-area residents have bought their property for hunting and other recreational activities, not necessarily to be farmed. Most of them do not have a farming background. They lack understanding of farming practices and erosion control. This can lead to environmental problems such as excessive erosion when cropland is being rented for cash grain, too many animals on small pastures, erosion from construction sites and erosion from poorly sited driveways.

Land use planning needs to be utilized as well as the county Land and Water Management plan to reduce some of the potential problems. All of the sixteen townships in Richland County as well as Richland County itself have developed comprehensive land use plans. The comprehensive plans are one tool to deal with land use changes. The Land and Water Resource management plan will help with the environmental issues associated with the change in land use.

# 2017 CENSUS OF AGRICULTURE County Profile



## Richland County Wisconsin

### Total and Per Farm Overview, 2017 and change since 2012

	2017	% change since 2012
Number of farms	1,103	-12
Land in farms (acres)	220,843	-3
Average size of farm (acres)	200	+11
<b>Total</b>	<b>(\$)</b>	
Market value of products sold	136,651,000	+18
Government payments	2,493,000	-16
Farm-related income	5,154,000	-21
Total farm production expenses	117,819,000	+26
Net cash farm income	26,479,000	-15
<b>Per farm average</b>	<b>(\$)</b>	
Market value of products sold	123,891	+35
Government payments		
(average per farm receiving)	4,460	+19
Farm-related income	8,207	-12
Total farm production expenses	106,817	+44
Net cash farm income	24,006	-3

### 1 Percent of state agriculture sales

#### Share of Sales by Type (%)

Crops	22
Livestock, poultry, and products	78

#### Land in Farms by Use (%) <sup>a</sup>

Cropland	54
Pastureland	14
Woodland	28
Other	5

#### Acres irrigated: 317

(Z)% of land in farms

#### Land Use Practices (% of farms)

No till	28
Reduced till	17
Intensive till	12
Cover crop	11

### Farms by Value of Sales

	Number	Percent of Total <sup>a</sup>
Less than \$2,500	462	42
\$2,500 to \$4,999	84	8
\$5,000 to \$9,999	90	8
\$10,000 to \$24,999	141	13
\$25,000 to \$49,999	74	7
\$50,000 to \$99,999	81	7
\$100,000 or more	171	16

### Farms by Size

	Number	Percent of Total <sup>a</sup>
1 to 9 acres	74	7
10 to 49 acres	269	24
50 to 179 acres	416	38
180 to 499 acres	245	22
500 to 999 acres	66	6
1,000 + acres	33	3



United States Department of Agriculture  
National Agricultural Statistics Service

[www.nass.usda.gov/AgCensus](http://www.nass.usda.gov/AgCensus)

## 2017 CENSUS OF AGRICULTURE County Profile

### Market Value of Agricultural Products Sold

	Sales (\$1,000)	Rank in State <sup>b</sup>	Counties Producing Item	Rank in U.S. <sup>b</sup>	Counties Producing Item
<b>Total</b>	<b>136,651</b>	<b>38</b>	<b>72</b>	<b>844</b>	<b>3,077</b>
<b>Crops</b>	<b>30,686</b>	<b>51</b>	<b>72</b>	<b>1,396</b>	<b>3,073</b>
Grains, oilseeds, dry beans, dry peas	23,683	43	72	1,078	2,916
Tobacco	-	-	6	-	323
Cotton and cottonseed	-	-	-	-	647
Vegetables, melons, potatoes, sweet potatoes	417	53	72	1,025	2,821
Fruits, tree nuts, berries	1,300	19	71	412	2,748
Nursery, greenhouse, floriculture, sod	152	62	71	1,337	2,601
Cultivated Christmas trees, short rotation woody crops	58	34	64	357	1,384
Other crops and hay	5,077	21	72	483	3,040
<b>Livestock, poultry, and products</b>	<b>105,965</b>	<b>29</b>	<b>72</b>	<b>474</b>	<b>3,073</b>
Poultry and eggs	(D)	(D)	72	(D)	3,007
Cattle and calves	35,344	14	72	434	3,055
Milk from cows	65,422	31	68	126	1,892
Hogs and pigs	(D)	(D)	71	(D)	2,856
Sheep, goats, wool, mohair, milk	477	23	70	350	2,984
Horses, ponies, mules, burros, donkeys	109	34	69	1,384	2,970
Aquaculture	(D)	38	52	(D)	1,251
Other animals and animal products	83	46	70	805	2,878

Total Producers <sup>c</sup>		Percent of farms that:		Top Crops in Acres <sup>d</sup>	
Sex				Forage (hay/haylage), all	39,931
Male	1,195	Have internet access	68	Corn for grain	35,063
Female	688			Soybeans for beans	16,681
				Corn for silage or greenchop	9,028
Age				Wheat for grain, all	792
<35	134	Farm organically	3		
35 – 64	1,104				
65 and older	645				
Race		Sell directly to consumers	5	Livestock Inventory (Dec 31, 2017)	
American Indian/Alaska Native	-			Broilers and other meat-type chickens	866
Asian	-			Cattle and calves	46,627
Black or African American	-			Goats	1,065
Native Hawaiian/Pacific Islander	-	Hire farm labor	24	Hogs and pigs	(D)
White	1,882			Horses and ponies	1,175
More than one race	1	Are family farms	95	Layers	6,649
Other characteristics				Pullets	(D)
Hispanic, Latino, Spanish origin	10			Sheep and lambs	877
With military service	172			Turkeys	81
New and beginning farmers	367				

See 2017 Census of Agriculture, U.S. Summary and State Data, for complete footnotes, explanations, definitions, commodity descriptions, and methodology.

<sup>a</sup> May not add to 100% due to rounding. <sup>b</sup> Among counties whose rank can be displayed. <sup>c</sup> Data collected for a maximum of four producers per farm.

<sup>d</sup> Crop commodity names may be shortened; see full names at [www.nass.usda.gov/go/cropnames.pdf](http://www.nass.usda.gov/go/cropnames.pdf). <sup>e</sup> Position below the line does not indicate rank.

(D) Withheld to avoid disclosing data for individual operations. (NA) Not available. (Z) Less than half of the unit shown. (-) Represents zero.

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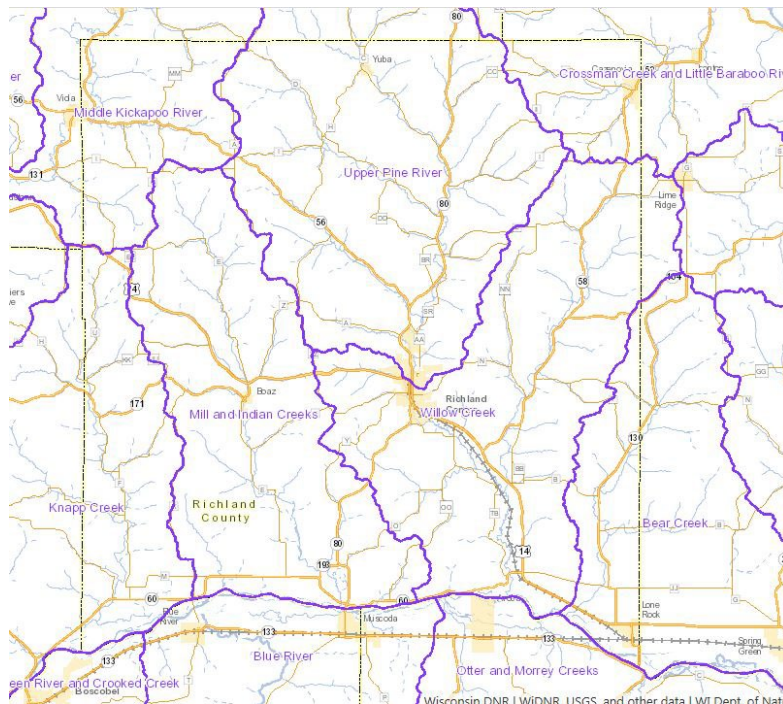


## **Natural Resource Assessment**

There are many sources that provide information on the condition of the natural resources of Richland County. They are a tool to help agencies and staff target efforts to conserve and protect the natural resources.

### **Water Resources**

Richland County consists of seven watersheds which all drain to the Wisconsin River. These watersheds are the Middle Kickapoo River, Mill Creek, Pine River, Crossman Creek/Little Baraboo, Knapp Creek, Willow Creek and Bear Creek.



In July 2002, the DNR released the State of the Lower Wisconsin River Basin Report. The report describes each sub-watershed, listing the concerns, Exceptional Resource Waters (ERW), Outstanding Resource Waters (ORW), Class I and Class II trout streams and recommendations for each watershed. Many of the sub-watersheds have had some monitoring completed by DNR since 2014. A few of the streams have had changes in trout stream classification.

The basin plan for the Bear Creek Watershed was updated in August 2010. The complete copy can be found at: [http://dnr.wi.gov/water/basin/lowerwis/wtplans/lw14/LW14\\_WTPLAN.PDF](http://dnr.wi.gov/water/basin/lowerwis/wtplans/lw14/LW14_WTPLAN.PDF). A Total Maximum Daily Load report for the Little Willow Watershed was released on July 30, 2008.



A project report by Jean Unmuth, DNR Water Resource Specialist was completed in 2012 for Ash Creek. A copy of this report is on file at the Richland County Land Conservation Department.

Waters designated as Exceptional Resource Waters and Outstanding Resource Waters are surface waters which provide outstanding recreational opportunities, support valuable fisheries, have unique hydrologic or geologic features, have unique environmental settings and are not significantly impacted by human activities. The difference between the two water designations is that waters designated ORW do not have any point sources discharging directly to the water.

*Table 4: Outstanding and Exceptional Resource Waters*

Official Waterbody Name	ORW/ ERW		Official Waterbody Name	ORW/ ERW		Official Waterbody Name	ORW/ ERW
<b>Babb Hollow Creek</b>	ERW		Higgins Creek	ERW		Ryan Hollow Creek	ERW
<b>Buften Hollow Creek</b>	ERW		Hood Hollow Creek	ERW		Smith Hollow Creek	ERW
<b>Camp Creek</b>	ORW		Hoover Hollow Creek	ERW		South Bear Creek	ERW
<b>Coulter Hollow Creek</b>	ERW		Jacquish Hollow Creek	ERW		West Branch Mill Creek	ERW
<b>East Branch Mill Creek</b>	ERW		Kepler Br	ERW		Wheat Hollow Creek	ERW
<b>Elk Creek</b>	ORW		Long Lake	ERW		Willow Creek	ERW
<b>Fancy Creek</b>	ERW		Lost Hollow Creek	ERW		Wisconsin River	ERW

<b>Fox Hollow Creek</b>	ERW		Marshall Creek	ERW			
<b>Gault Hollow Creek</b>	ERW		Melancthon Creek	ERW			
<b>Grinsell Br</b>	ERW		Mill Creek	ERW			
<b>Hanzel Creek</b>	ERW		Miller Br	ERW			
<b>Happy Hollow Creek</b>	ERW		Pine Valley Creek	ERW			

Class I trout streams are high quality trout waters that have significant natural reproduction to sustain populations of wild trout at or near carry capacity. No stocking is required. Class II trout streams may have some natural reproduction, but not enough to utilize available food and space. Stocking is required to maintain a desirable sport fishery.

The **Middle Kickapoo River Watershed** is located in central Vernon County, south central Monroe County and northwestern Richland County. The concerns and issues for the watershed are:

- ⇒ Non-point source pollution.
- ⇒ Proliferation of spring fed ponds

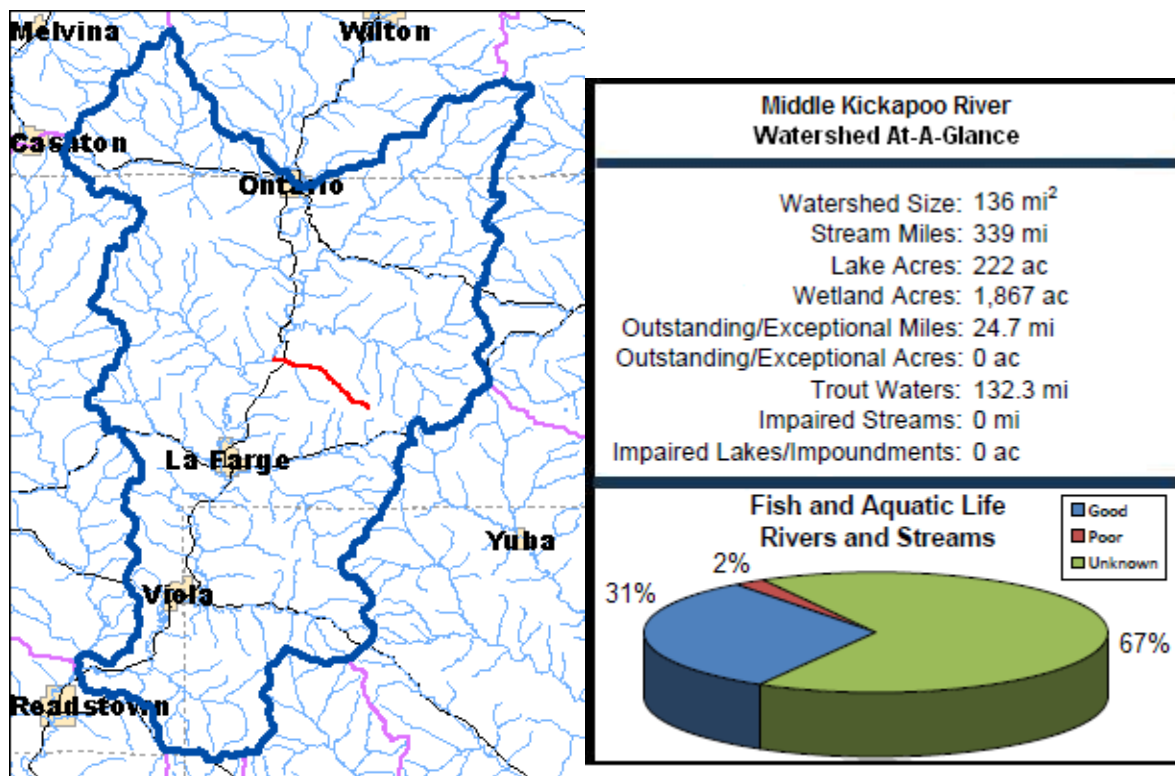


Table 5: Middle Kickapoo water condition (Richland County portion)

OFFICIAL NAME	START MILE	END MILE	LAST MONITORED YEAR	WATER CONDITION	TROUT CLASS
Buften Hollow Creek	0	2.78	2015	Good	CLASS I
Camp Creek	0	8.28	2020	Good	CLASS I
Chadwick Hollow Creek	0	0.57	2012	Unknown	
Chadwick Hollow Creek	0.57	2.59		Unknown	CLASS II
Elk Creek	0	1.91	2016	Excellent	CLASS I
Elk Creek	1.91	6.2	2016	Good	CLASS I
Goose Creek	0	3.41	2018	Good	CLASS II
Hoke Creek	0	2.11	2015	Good	CLASS I
Middle Bear Creek	0	2.17	2015	Good	CLASS III
Middle Bear Creek	2.17	3.64	1995	Unknown	CLASS II
South Bear Creek	0	2.49	2015	Good	CLASS II
South Bear Creek	2.49	4.43	2015	Good	CLASS II
South Bear Creek	4.43	6.46		Unknown	CLASS II
Welker Hollow Creek	0	2	2016	Unknown	

The **Mill and Indian Creek Watershed** is located in central Richland County. Most of the streams in the watershed flow into Mill Creek which flows into the Wisconsin River near Muscoda. Indian Creek flows directly into the Wisconsin River. The concerns and issues are:

- ⇒ Non-point source pollution
- ⇒ Stream channelization and diversion
- ⇒ Atrazine

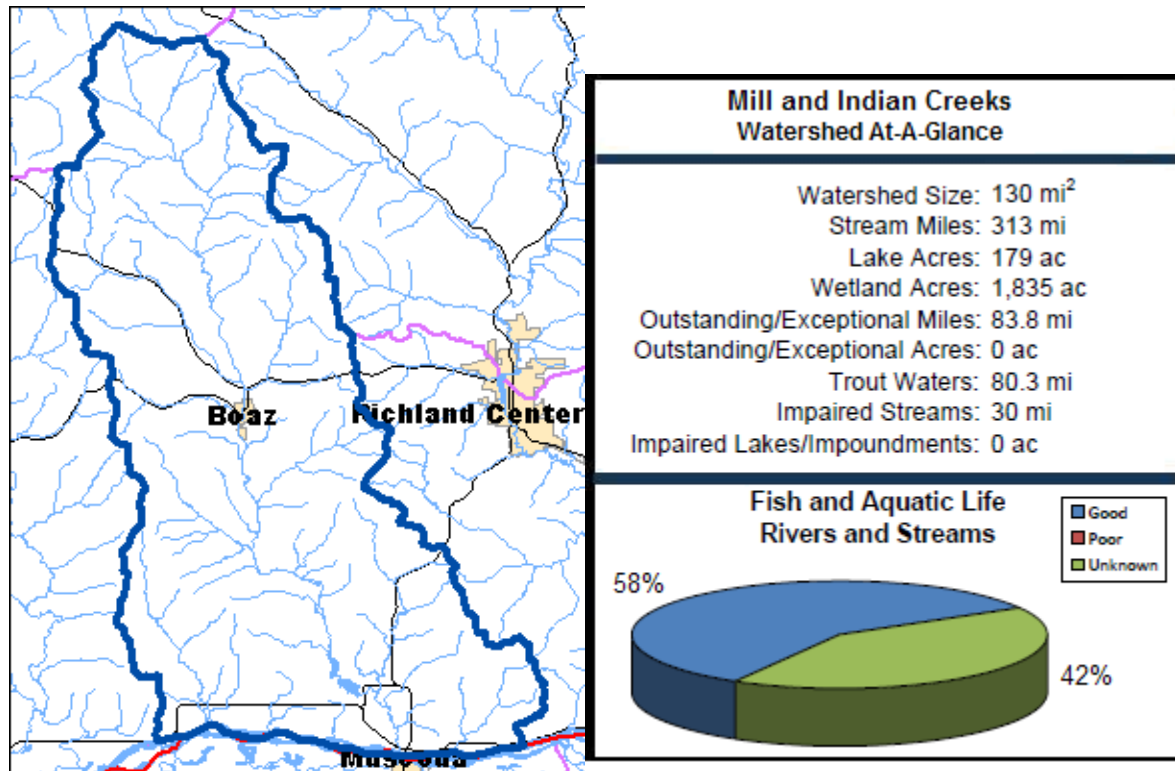


Table 6: Mill and Indian Creek water conditions

OFFICIAL NAME	START MILE	END MILE	LAST MONITORED YEAR	WATER CONDITION	TROUT CLASS
Babb Hollow Creek	0	3.04	2015	Good	CLASS I
Balmoral Pond			2016	Suspected Poor	
Byrds Creek	0	7.3	2019	Unknown	CLASS II
Core Hollow Creek	0	3.39	2015	Fair	CLASS II
Core Hollow Creek	3.39	4.65		Unknown	CLASS II
Coulter Hollow Creek	0	2.62	2015	Good	CLASS I
Dieter Hollow Creek	0	2.77	2021	Fair	CLASS I
Dieter Hollow Creek	2.77	5	2015	Excellent	CLASS I

East Branch Mill Creek	0	5.41	2015	Excellent	CLASS I
Fox Hollow Creek	0	4.6	2015	Unknown	CLASS I
Gault Hollow Creek	0	1		Unknown	
Higgins Creek	0	2.95	2015	Good	CLASS II
Hood Hollow Creek	0	2.3	2004	Good	CLASS I
Hoosier Hollow Creek	0	5	2015	Good	CLASS II
Hoosier Hollow Creek	5	6.73	1996	Unknown	CLASS II
Indian Creek	0	3.85	2015	Poor	
John Hill Creek	0	2.71	2019	Good	CLASS II
Kepler Br	0	2.84	2015	Excellent	CLASS I
Mill Creek	0	15.45	2015	Poor	
Mill Creek	15.44	29.72	2019	Fair	CLASS I
Miller Br	0	2.43	2004	Good	CLASS II
Miller Hollow Creek	0	2		Unknown	
Pine Valley Creek	0	2.75	2015	Good	CLASS I
Ryan Hollow Creek	0	2.85	2015	Good	CLASS I
West Branch Mill Creek	0	8.85	2019	Good	CLASS I

The **Upper Pine River Watershed** lies mostly in north central Richland County with a small portion in northeastern Vernon County. Melancthon Creek was delisted as a 303(d) water in 2008. Work was completed in that sub-watershed to reduce soil erosion, stabilize stream banks and restore trout habitat through a Targeted Resource Management grant. The concerns and issues listed in the 2002 Basin plan are:

- ⇒ Non-point source pollution
- ⇒ Stream channelization

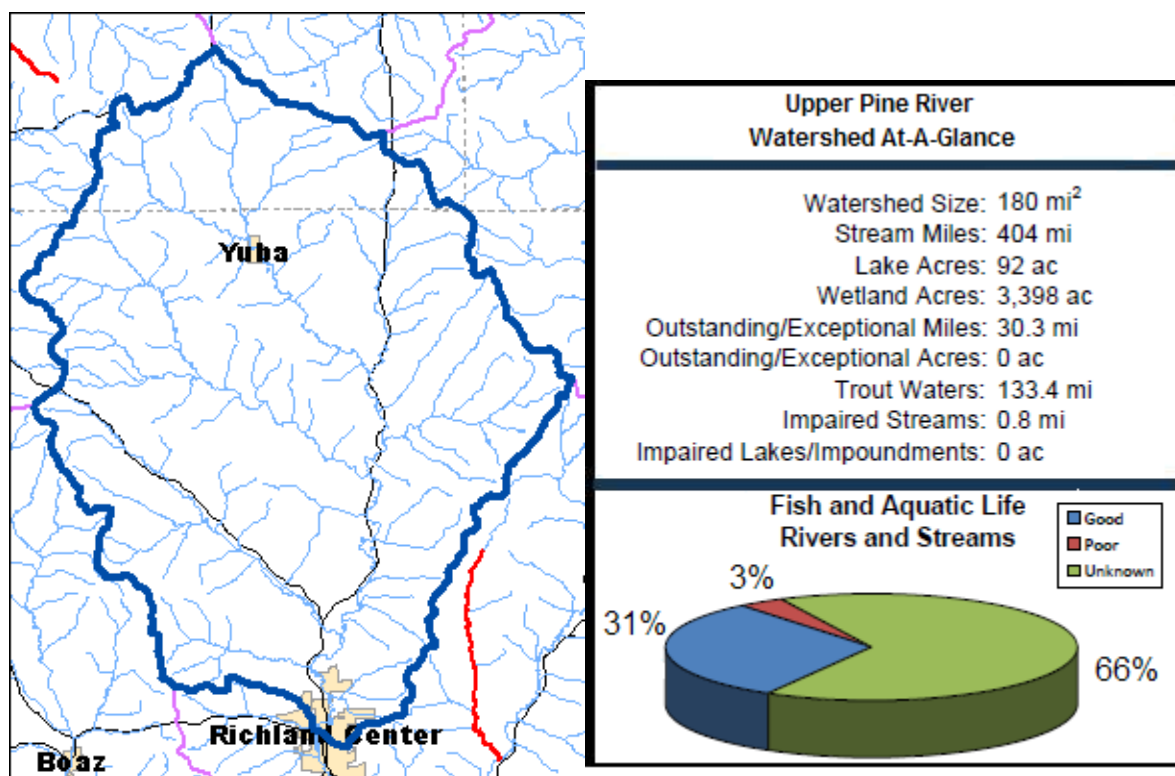


Table 7: Upper Pine River water conditions (Richland County portion)

OFFICIAL_NAME	START MILE	END MILE	LAST MONITORED YEAR	WATER CONDITION	TROUT CLASS
Basswood Creek	0	2.04	2015	Good	CLASS II
Basswood Creek	2.04	3.85		Unknown	
Champion Valley Creek	0	1.24	2015	Unknown	CLASS II
Champion Valley Creek	1.24	6.44	2015	Good	CLASS III
Cherry Valley Creek	0	3.58	2015	Fair	
Fancy Creek	0	5.07	2015	Excellent	CLASS II
Fancy Creek	5.07	9.52	2015	Excellent	CLASS I
Fancy Creek	9.52	11.37	2019	Excellent	CLASS I
Fancy Creek	11.37	13.16	2015	Good	
Gault Hollow Creek	0	2.19	2015	Good	CLASS II
Gault Hollow Creek	2.19	5.73	2015	Good	CLASS I
Greenwood Valley Creek	0	0.5		Unknown	CLASS II
Greenwood Valley Creek	0.5	5.69	2015	Good	CLASS III
Grinsell Br	0	2.88	2015	Excellent	CLASS I
Hanzel Creek	0	3.24	2015	Unknown	CLASS I
Hawkins Creek	0	5.4	2015	Good	CLASS II

Hawkins Creek	5.4	6.65		Unknown	CLASS II
Horse Creek	0	6.11	2015	Unknown	CLASS II
Hynek Hollow Creek	0	1.72	2015	Excellent	CLASS II
Hynek Hollow Creek	1.72	2.93		Unknown	CLASS II
Indian Creek	0	2.68	2015	Excellent	CLASS II
Johnston Creek	0	3.02		Unknown	CLASS II
Lebansky Creek	0	2		Unknown	
Marshall Creek	0	3.78	2015	Good	CLASS I
Melancthon Creek	0	3.97	2019	Excellent	CLASS I
Melancthon Creek	3.97	6.76	2015	Good	CLASS I
Melancthon Creek	6.76	7.59	2019	Fair	CLASS I
Melancthon Creek	7.59	8.28		Excellent	CLASS I
Norman Valley Creek	0	0.5		Unknown	
North Buck Creek	0	2		Unknown	
Pine River	0	22.35	2021	Poor	
Pine River	22.35	47.68	2021	Excellent	CLASS II
Pine River	47.68	52.16	2015	Good	
Richardson Hollow Creek	0	1.88		Unknown	
Simpson Hollow Creek	0	4		Unknown	
Soules Creek	0	0.57	2015	Good	CLASS II
Soules Creek	0.57	5.64	2015	Excellent	
South Branch Marshall Creek	0	1.88	2015	Good	CLASS I
South Buck Creek	0	3		Unknown	
West Branch Marshall Creek	0	4.1	2015	Good	CLASS I
West Branch Pine River	0	11.62	2019	Excellent	CLASS II
West Branch Pine River	11.62	12.8	2015	Good	CLASS II
West Branch Pine River	14.4	16.38		Unknown	

The **Crossman Creek/Little Baraboo River Watershed** is located in northwestern Sauk County, southern Juneau County, northeastern Richland County and northeastern Vernon County. The concerns and issues as listed in the 2002 Basin plan are:

- ⇒ Non-point source pollution
- ⇒ Atrazine
- ⇒ Hydrologic modification
- ⇒ High phosphorus levels in lakes leading to eutrophication and algae blooms

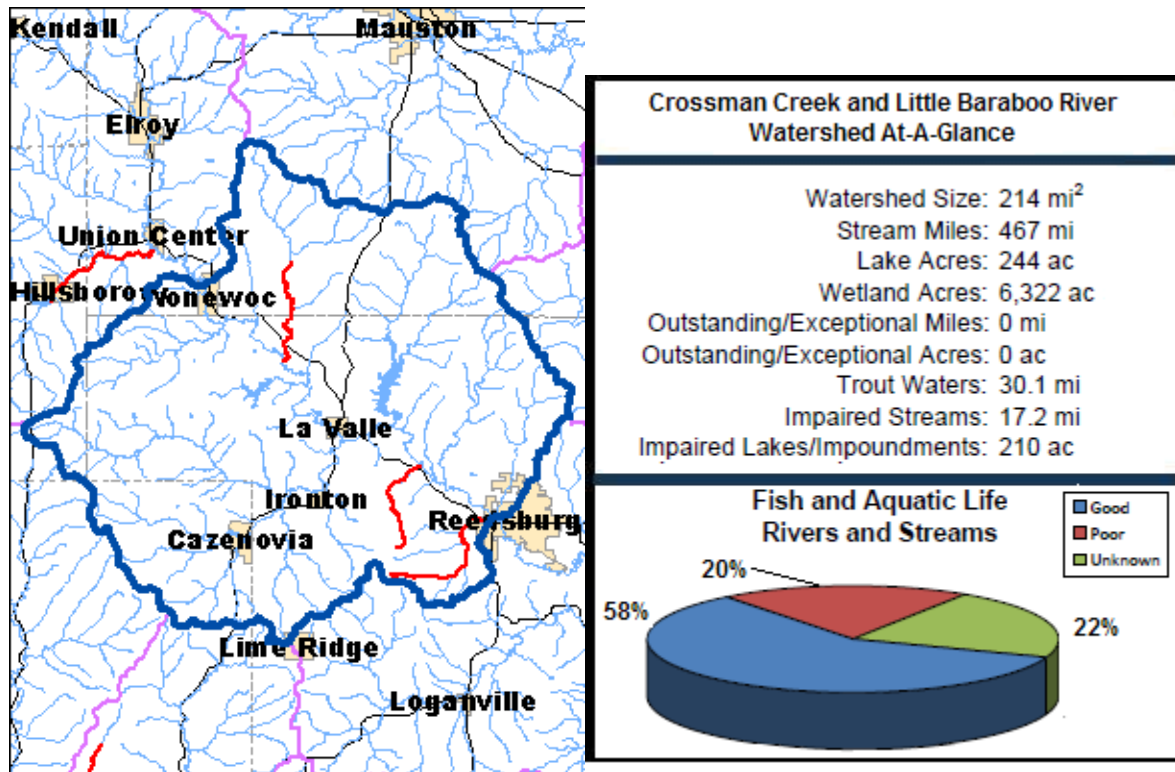


Table 8: Crossman Creek/Little Baraboo conditions (Richland County portion)

OFFICIAL_NAME	START MILE	END MILE	LAST MONITORED YEAR	WATER CONDITION	TROUT CLASS
Bauer Valley Creek	0	5.43	2015	Good	CLASS II
Cazenovia Br	0	0.66	2015	Poor	
Cazenovia Br	0.66	2.67	2015	Good	
Cazenovia Br	2.67	7.68	2015	Good	CLASS I
Cazenovia Br	7.68	10.89	2015	Fair	
Jones Valley Creek	0	1		Unknown	
Lee Lake			2013	Good	
Little Baraboo River	0	11.93	2018	Poor	
Little Baraboo River	11.93	16.78	2018	Excellent	CLASS II
Little Baraboo River	16.78	19.79		Unknown	
McGlynn Creek	0	3	2017	Good	CLASS II
McGlynn Creek	3	4.82	2015	Good	CLASS II

The **Knapp Creek Watershed** is located in western Richland County and eastern Crawford County. The concerns and issues for Knapp Creek are:



- ⇒ Non-point source pollution
- ⇒ Stream channelization
- ⇒ Atrazine

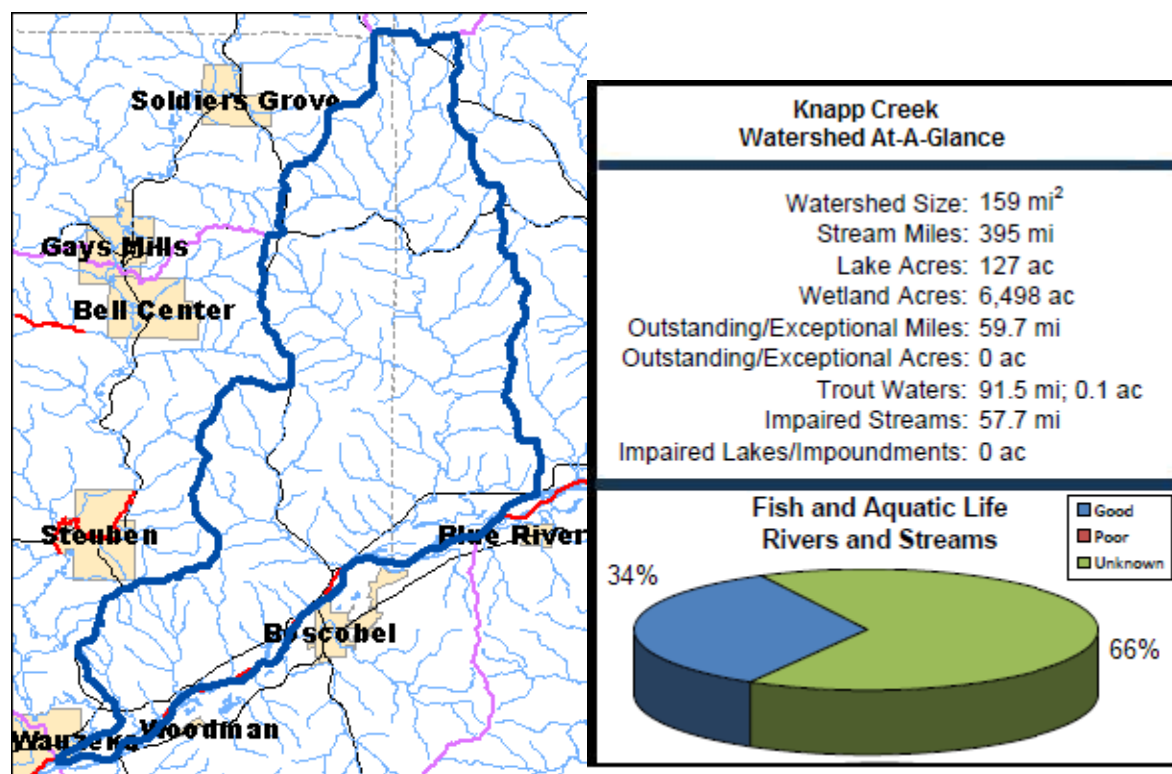


Table 9: Knapp Creek water condition (Richland County portion)

OFFICIAL_NAME	START MILE	END MILE	LAST MONITORED YEAR	WATER CONDITION	TROUT CLASS
Beebe Hollow Creek	0	3.76		Unknown	CLASS II
Chitwood Hollow Creek	0	1.85		Unknown	CLASS II
Garner Lake			2014	Unknown	
Hall Bottom Creek	0	4.34	2021	Unknown	CLASS I
Jimtown Br	0	3.66	2015	Good	CLASS I
Long Hollow Creek	0	1		Unknown	
Lower Lake			2016	Fair	
McKinney Hollow Creek	0	1		Unknown	
O'Connor Br	0	1.2	2015	Good	CLASS II
Taylor Hollow Creek	0	2		Unknown	

The **Willow Creek Watershed** is located in the eastern portion of Richland County with a small portion of the watershed in western Sauk County. It includes the lower part of the Pine River from Brush Creek in Richland Center to the Wisconsin River. The concerns and issues listed in the Basin Plan are:

- ⇒ Non-point source pollution
- ⇒ Atrazine

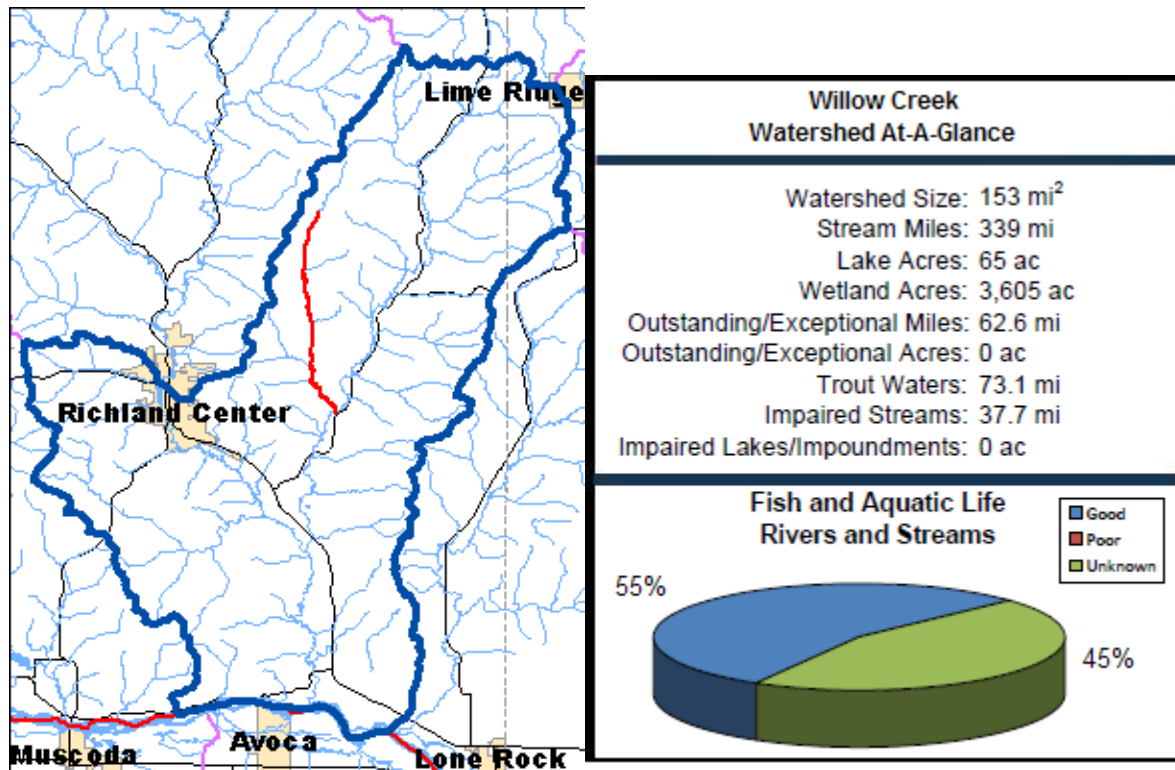


Table 10: Willow Creek water conditions (Richland County portion)

OFFICIAL_NAME	START MILE	END MILE	LAST MONITORED YEAR	WATER CONDITION	TROUT CLASS
Ash Creek	0	9.85	2016	Good	CLASS I
Brush Creek	0	4.04	2020	Good	CLASS II
Center Creek	0	2	2015	Poor	
Center Creek	2	2.57		Unknown	
Durst Hollow Creek	0	2		Unknown	
Happy Hollow Creek	0	4.42	2015	Unknown	CLASS I
Hell Hollow Creek	0	3		Unknown	
Jacquish Hollow Creek	0	2.16	2003	Unknown	CLASS II
Little Willow Creek	0	7.73	2017	Poor	CLASS II

Little Willow Creek	7.74	9.65	2015	Good	CLASS II
Lost Hollow Creek	0	2.69	2015	Good	CLASS I
Misslich Creek	0	2.31		Unknown	CLASS II
Nebraska Hollow Creek	0	2		Unknown	
Pier Spring Creek	0	1.62	2015	Excellent	CLASS II
Pine River	0	22.35	2021	Poor	
Richland Center Millpond			1999	Unknown	
Robin Hollow Creek	0	2		Unknown	
Rocky Br	0	2		Unknown	
Rocky Br	2	2.52		Unknown	
School Section Hollow Creek	0	3		Unknown	
Smith Hollow Creek	0	3.38	2015	Good	CLASS I
Smith Hollow Creek	3.38	5.07		Unknown	CLASS II
Snake Creek	0	3		Unknown	
Spring Creek	0	3		Unknown	
Spring Creek	3	3.66		Unknown	
Wheat Hollow Creek	0	2.99	2015	Good	CLASS I
Willow Creek	0	4.55	2015	Good	
Willow Creek	4.55	7.98	2016	Good	CLASS I
Willow Creek	7.99	20.26	2020	Fair	CLASS I
Willow Creek	20.25	24.82	2016	Good	CLASS I
Willow Creek	24.82	27.1	2015	Unknown	CLASS I

The Bear Creek Watershed lies in southeastern Richland County and southwestern Sauk County. The watershed priorities and goals listed in the 2010 Watershed Plan are:

⇒ Priorities

- Identify, restore and preserve high quality fisheries in the watershed
- Protect riverine habitat especially in sloughs and backwaters of the Wisconsin River
- Protect ORW/ERW waters and trout waters
- Restore stream habitat, hydrology and morphology throughout the watershed to recover from damage incurred in the 2008 flooding events
- Conduct monitoring to sufficiently understand and abate water quality standards impairments in the watershed

- Set priorities for Little Bear Creek restoration work to eventually remove the water from the impaired waters list

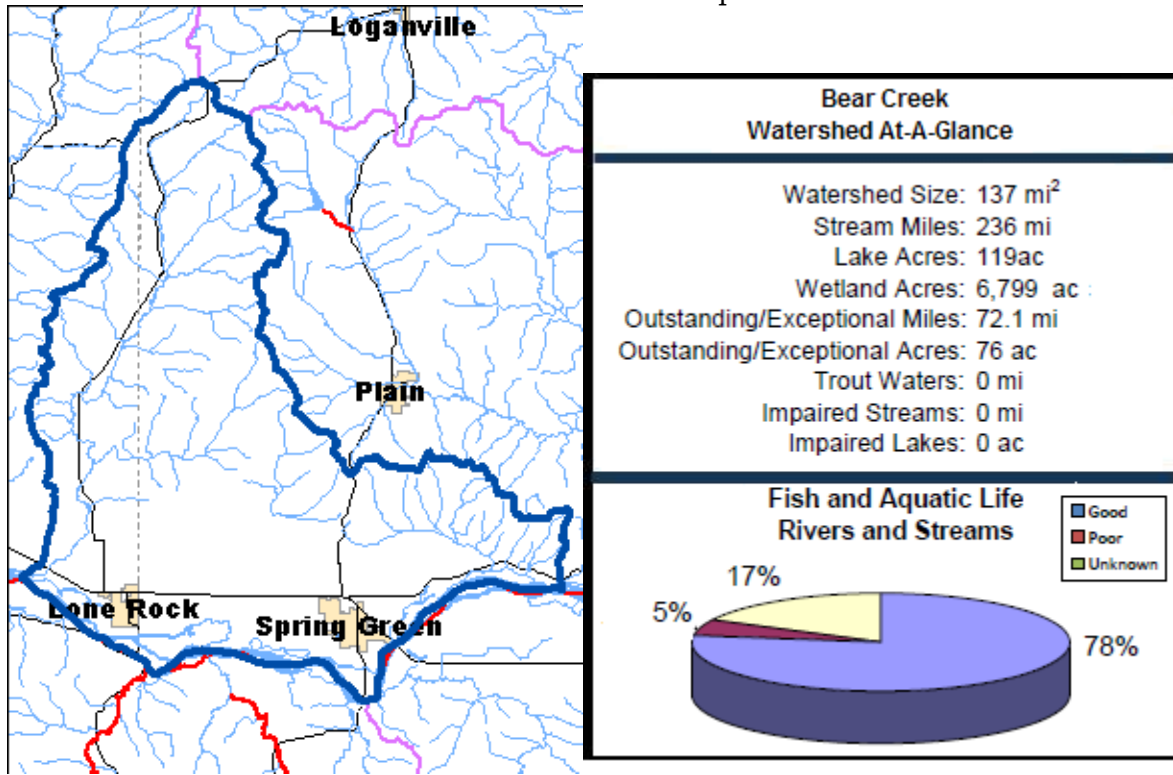


Table 11: Bear Creek water conditions (Richland County portion)

OFFICIAL NAME	START MILE	END MILE	LAST MONITORED YEAR	WATER CONDITION	TROUT CLASS
Bear Creek	0	8.2	2019	Poor	
Bear Creek	8.21	18.25	2013	Unknown	CLASS II
Bear Creek	18.25	18.54	2018	Good	CLASS II
Bear Creek	18.54	26.78	2020	Good	CLASS I
Cruson Slough			2012	Good	
Cruson Slough			2013	Unknown	
Four Springs Hollow Creek	0	2.87		Good	
Little Bear Creek	0	6.77	2021	Poor	
Little Bear Creek	6.77	8.72	2015	Unknown	
Long Lake			2021	Fair	
Pumpkin Hollow Creek	0	2.67	2015	Unknown	
Smith Lake			2020	Unknown	

There are several waterbodies that are considered impaired waters. The DNR has said that they are all a low priority for Total Maximum Daily Load program funding. Practices, such as nutrient management and stream bank protection, that may reduce these pollutants in these watersheds should be a priority should funding become available.

Table 12: Impaired Waters

Waterbody Name	Cycle Listed	Source	Pollutant/Cause (WDNR & EPA)	Impairment (WDNR)	Observed Effect (EPA)	TMDL Priority
Bear Creek	2012	NPS	Total Phosphorus	High Phosphorus Levels	Organic Enrichment	Low
Center Creek	2016	NPS	Unknown Pollutant*	Degraded Biological Community	Biological Integrity	Low
Indian Creek	2018	NPS	Unknown Pollutant*	Elevated Water Temperature	Temperature	Low
Kickapoo River	2012	PS/NPS	Total Phosphorus	Impairment Unknown	Organic Enrichment	Low
Little Bear Creek	2010	NPS	Sediment/Total Suspended Solids	Elevated Water Temperature, Degraded Habitat	Temperature, Physical Substrate Habitat Alterations	Low
Little Bear Creek	2010	NPS	Total Phosphorus	Degraded Biological Community	Biological Integrity	Low
Little Willow Creek	2016	NPS	Total Phosphorus	Impairment Unknown	Organic Enrichment	Low
Little Willow Creek	2016	NPS	Unknown Pollutant*	Elevated Water Temperature	Temperature	Low

<b>Mill Creek</b>	2014	PS/NPS	Total Phosphorus	Impairment Unknown	Organic Enrichment	Low
<b>Pine River</b>	2014	PS/NPS	Total Phosphorus	Impairment Unknown	Organic Enrichment	Low

Non-point source pollution is a problem in every watershed in the county. Two of the watersheds were part of the Department of Natural Resources Non-point Source Watershed program. The Crossman Creek/Little Baraboo River began in 1985 and was completed in 1994 and the Middle Kickapoo River began in 1990 and was completed in 2004. The watershed plans are housed at the Richland County Land Conservation Department. Inventories were completed in both watersheds. Although the goals for both watersheds are different, the same types of pollution problems were found. They are soil erosion, sedimentation and phosphorus loading. The goals for the Crossman Creek/Little Baraboo River were:

- ⇒ Reduce phosphorus by 57% from 563 inventoried barnyards
- ⇒ Reduce soil loss by 41% on fields eroding over 4 T/Ac/Yr.
- ⇒ Reduce stream bank erosion by 59% on all 14 streams
- ⇒ Control manure application by 60% on all fields with slopes greater than 6% or prone to flooding

A final report was completed in January 1999. The accomplishments were:

- ⇒ Reduction of phosphorus runoff by 62% on 211 barnyards
- ⇒ Reduced soil loss by 53% from an average of 13.2 T/Ac/Yr. down to 6.2 T/Ac/Yr.
- ⇒ Reduced stream bank erosion by 55%
- ⇒ Controlled spreading on critical acres by 68%

The goals for the Middle Kickapoo River Watershed were:

- ⇒ 60% reduction in phosphorus from barnyards in high management sub watersheds
- ⇒ 50% reduction in phosphorus from barnyards in moderate management watersheds
- ⇒ 50% reduction in the total sediment reaching streams from the combination of upland field erosion, stream bank erosion and gully erosion.

The final report for the Middle Kickapoo was completed. There was a reduction in phosphorus loading from barnyards in Richland County due to the fact that many of

the livestock operations are no longer in business. There were 40 barnyards in the original inventory. As of 2006, there were less than 10 livestock operations

Portions of the Pine River Watershed were monitored in 2001-03 by a group called PRISTINE (Pine River Study and Information Network)

Richland County received a Targeted Resource Management Grant for Melancthon Creek in 2007. Practices were installed to reduce sediment into Melancthon Creek and its tributaries and to improve in-stream habitat. Melancthon Creek was removed from the impaired waters list in 2008.

Richland County has approximately 4,175 private wells. Although wells should be tested every 1-2 years, most people do not test their wells. Richland, Crawford and Vernon counties conducted a private well study to ascertain if there are issues with nitrates and E. Coli in the wells in each county. These counties have similar topography and bedrock. The Driftless Area Water Study (DAWS) was conducted in October 2020 and April 2021 with the samples being sent to UW-Stevens Point Center of Watershed Science and Education. Richland County sent out letters to 400 randomly selected landowners each time asking if they would be interested in having their well tested for free. The goal was to test 85 wells each time and that the well samples in each of the counties would be collected on the same day. In Richland County, there were 79 wells tested in October 2020 and 68 in April 2021. Nitrate levels above 10 mg/L can pose health risks if consumed by infants, pregnant women and women trying to become pregnant. Routine coliform bacteria testing can be used as an indication of whether a well is capable of producing sanitary or bacteria safe water. The presence of E. coli in a water sample is conclusive evidence of fecal contamination in the well. Source tracking was not conducted as part of this project so the sources of E. coli are not known. The results of the testing in Richland County are as follows:

*Table 13: Well study results*

	October 2020		April 2021	
<b>Nitrate mg/L</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
None Detected	13	16%	14	21
<= 2.0	32	41%	24	35%
2.1- 5.0	15	19%	14	21%
5.1-10.0	8	10%	10	15%
10.1- 20.0	8	10%	5	7%
>20.0	3	4%	1	1%
<b>Average Nitrate</b>	4 mg/L		3.4 mg/L	
<b>Coliform Bacteria</b>	25	32%	2	3%
<b>E. Coli Positives</b>	1	1.3%	1	1.5%
<b>Total Samples</b>	79		68	

More wells will need to be tested to gain a better understanding of the specific areas of concern, but the results show areas of the county that the groundwater may be more susceptible for nitrate contamination. At this time the source of the E. coli (livestock or human) is unknown. Maps of the results can be found in Appendix B.

### **Soil Resources**

Soil erosion continues to be an issue in Richland County. As the need for hay decreases, the cropland is planted to row crops such as corn and soybeans. Without proper conservation practices such as no-till, grassed waterways, cover crops and contour buffers, there is a chance for more soil erosion.

From 1999-2007, Richland County Land Conservation Department conducted a transect survey. This survey was a tool to see how much and where soil loss is occurring. It's been several years since this survey was completed. The results are shown in the tables below.

*Table 14. County-wide average*

<b>Year</b>	<b>Average</b>
1999	3.6
2000	2.5
2001	3
2002	3.6
2004	3.3
2006	3.4
2007	3.5

*Table 15. Two year comparison by watershed*

	<b>2004</b>		<b>2007</b>	
<b>Watershed</b>	<b>Soil Loss</b>	<b>%&lt;= T</b>	<b>Soil Loss</b>	<b>%&lt;=T</b>
<b>Middle Kickapoo</b>	3.1	79%	3.9	73%
<b>Knapp</b>	2.3	80%	Unknown	
<b>Mill &amp; Indian</b>	4.4	71%	Unknown	
<b>Willow</b>	3.5	73%	4.1	71%
<b>Upper Pine</b>	2.6	85%	2.9	79%
<b>Bear</b>	4	77%	4.5	64%
<b>Crossman/Lt Baraboo</b>	3.6	79%	3.4	80%

Soil types, with specific and unique characteristics, directly influence appropriate land uses. Richland County's soil survey was updated and made available in 2001. Fifty-five different soil types are found throughout Richland County. During the soil survey



update nine newly describe soils were found in Richland County. The Richland County Land Conservation Department extensively uses the soils information. The updated soil survey information can be found on-line at:  
<http://websoilsurvey.nrcs.usda.gov/app/> .

### **Forest Resources**

Forested land comprises about 170,000 acres or approximately 45% of the land area in Richland County. The acreage by forest type is as follows:

Pine/Spruce	10,000
Oak	71,000
Central Hardwoods	27,500
Northern Hardwoods	50,500
Aspen	1,800
Other	9,000

Although most of the wooded acreage in Richland County is privately owned, the type of private ownership in Richland County continues to change. Historically, most of the woods were large tracts owned by farmers and used for grazing cattle, firewood, and the occasional commercial harvest. In recent years, woodlands have become smaller in size due to fragmentation and the number of owners has increased. New landowners are buying properties mainly for recreational use (hunting, camping, etc.), aesthetic purposes, wildlife habitat or building a home or cabin. Forest fragmentation will continue to make it more difficult to manage forests on a large scale and will cause a greater need for cooperation between adjoining landowners when it comes to management. The demand for wood products in Richland County will likely continue, due to the high quality of timber produced and the species mix that is present in the county.

The Managed Forest Law program is widely used and accepted within the county as a means to gain valuable long-term forestland management. Approximately 68,000 acres or 40% of the forested acreage in Richland County is currently enrolled in the program. The use of management plans on these acres has resulted in improved forest health and an overall improvement in the woodlands through the use of sound silviculture practices and the exclusion of grazing and pasturing in these areas.

There are many insects and disease that impact forest health in Richland County. Emerald Ash Borer (EAB) and oak wilt are two major concerns. EAB is widespread in Richland County and signs of mortality, i.e., woodpecker damage or branch dieback are easy to spot in almost every forest with ash trees. While EAB only affects ash trees, it is expected to kill more than 99% of them. Insecticide treatments can prevent infection in individual trees but aren't practical on a larger scale. The opportunity to salvage any potential timber value is increasingly limited. Within a few years, most of Richland County's ash resource will be dead and other non-ash species will begin to take its place. Oak wilt is also an issue in Richland County, although less widespread than EAB. Oak wilt is caused by a fungus and is introduced to a tree by beetles that

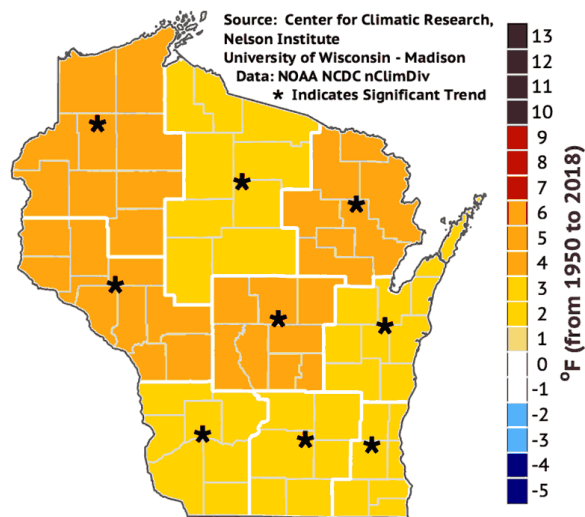
carry the spore to fresh wounds. Once a tree is infected, the disease spreads to other nearby oak trees through interconnected roots. The disease is a particularly serious problem for species in the red oak group, while white oaks demonstrate some tolerance to the disease. To prevent this disease, cutting and pruning trees in areas with oak should be avoided from April 1<sup>st</sup> – July 15<sup>th</sup>.

The forest resource in Richland County has changed and will continue to change over time. These changes are due in part to natural forest succession but are also heavily influenced by humans and past land management. Early documentation shows that most of Richland County was a closed-canopy, northern hardwoods (mostly sugar maple) forest prior to European settlement. After decades of timber harvesting, farming, and grazing activities, Richland County forests were drastically decreased. Aerial photos from the 1930's depict a very open landscape, with far less wooded areas than we have today. Since the 1930's, the number of forested acres has increased again. As the woods grew back, forest changed to a predominately oak forest type. Today, many of the oak forest are being replaced by northern hardwoods again. Sugar maple is a shade-tolerant, climax species. Without large-scale natural disturbance or sustainable timber harvesting that mimics it, (i.e., clear cutting, overstory removal, etc.), this trend will continue. *(Information provided by Juli Van Cleve, WDNR Forester-Richland County.)*

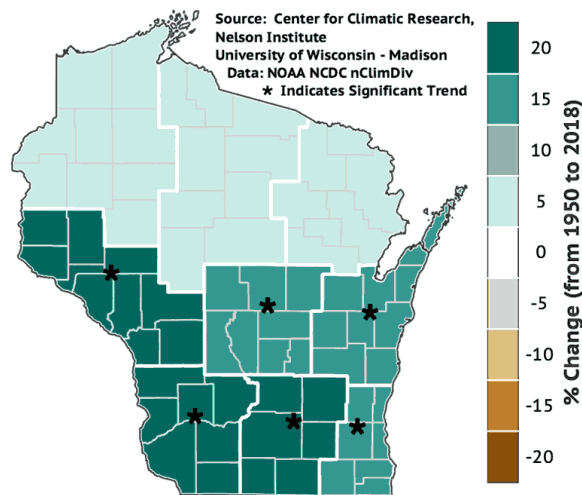
## **Climate**

The Wisconsin Initiative on Climate Change Impacts (WICCI) release a comprehensive report detailing the science behind climate change, the anticipated impacts, adaption strategies and educational resources on the subject. The following maps show the historical changes in mean annual temperature and annual precipitation from 1950-2018. In Southwest Wisconsin, the mean annual temperature has increased 3 degrees Fahrenheit and annual precipitation has increased 20%. The effects of these changes can be seen in Richland County. There have been more frequent large flood events causing damage to crop, roads and other infrastructure. Temperature changes have begun to affect growing degree days and winter snow cover. Continued changes in precipitation and temperature may affect agriculture, cold-water fisheries, forestry, plant communities, soil conservation, water resources stormwater, wildlife, and human health.

### Historical Change in Annual TMIN from 1950 to 2018



### Historical Change in Annual PRECIP (%) from 1950 to 2018



Changes in climate and extreme weather are increasing challenges for agriculture locally, nationally and globally and many of these impacts are predicted to continue. The Northern Institute of Applied Climate Science (NIACS), housed at Michigan Technological University, has developed tools to assist agriculture producers and other to respond to extreme and uncertain conditions. Some strategies include improving soil health, reduce soil erosion, enhance landscape connectivity, diversify crop or livestock species. There are many tools in the adaption work book developed by NIACS workbook found at: <https://adaptationworkbook.org/niacs-strategies/ag>

# Goals and Objectives

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This section details the goals and objectives of the Land and Water plan. These goals and objectives will guide the work of the Richland County Land Conservation Department (LCD) for at least five years. Development of definable and measurable action plans under each goal gives direction to the LCD, partnering agencies, conservation groups and local citizens as they work together to solve the local concerns and problems related to the natural resources of Richland County.

The Technical Committee developed the goals, objectives and action plans with the resource concerns brought forth by the Advisory Committee in mind. They also used information from the townships' comprehensive plans and the Lower Wisconsin Basin plan to develop the goals and objectives.

The Advisory Committee resource concerns were broken down into six areas: Water Quality, Soil Erosion, Nutrient & Manure Management, Invasive Species, and Forestry. These cover the range of concerns that were brought forth.

## **Soil Erosion**

Richland County has experience significant erosion through history as seen by the thin topsoil layer on ridges. The topography makes managing soil erosion difficult. The county average tolerable soil loss limit is 4 tons/acre/year.

Richland County has seen an increase in the amount of corn and soybeans grown and a decrease in the amount of hay. One of the reasons for the decrease in hay is fewer dairy farms. Land is also being sold to non-farmers, many of whom are not aware or concerned with soil erosion with the production of row crops. There is concerns that much of the County is being planted to corn and soybeans. If proper conservation practices are not used, soil erosion will increase.

The following are a list of goals, objectives and action plans.

### **Goal: Reduce soil erosion**

Objective: Reduce soil erosion from crop fields

- Assist producers in installing contour strips and contour buffer strips
- Encourage producers to use cover crops after harvest
- Host a cover crop field day
- Encourage participation in Conservation Reserve Program and the Conservation Reserve Enhancement Program
- Implement performance standard of farming to tolerable soil loss
- Work with producers to prevent the narrowing of buffer strips

Objective: Educate landowners on reducing soil erosion

- Develop a list of best management practices
- Educate producers and landowners about importance of using no-till, contour buffers and grassed waterways
- Implement performance standard of farming to “T”
- Develop a list of best management practices
- Create social media and website posts with information and opportunities to prevent soil erosion
- Provide a connection between experienced and in-experienced landowners on reducing soil erosion

Objective: Prevent and reduce gully erosion

- Install waterways where needed and keep natural grass waterways
- Maintain PL-566 structures to prevent erosion during spring runoff and large rain events
- Provide technical assistance to install, repair and maintain practices for gully erosion

Objective: Reduce soil erosion from marginal crop fields and pastureland

- Assist landowners and producers in converting marginal cropland to rotational grazing
- Plant marginal cropland to cover crops
- Rotationally graze cover crops

Objective: Prevent and reduce stream bank erosion and enhance stream quality

- Promote and assist landowners and producers with rotational grazing along streams
- Provide technical assistance to install stream crossings, streambank protection and other practices
- Work with partners to provide assistance to landowners with stream issues
- Implement the performance standard of maintaining adequate vegetation on pastured streambanks
- Design, construct and manage stream bank practices and buffer strips so water does not back up onto crop fields
- Include habitat, where possible, when doing stream work
- Encourage pollinator plant species when seeding stream improvements

## **Water Quality**

Richland County has an abundant source of high quality groundwater that needs to be protected. The groundwater can be polluted from several sources. These are sinkholes, wells, failing septic systems, leaking manure storage units, quarries and

underground storage tanks. There have been some wells that have high levels of nitrates and atrazine detected.

Richland County also has many miles of Class I trout streams which need to be protected and improved to maintain this status. There are many other streams that can and should be improved by reducing the non-point pollution to the streams. As shown in the Natural Resource Assessment section of the plan, non-point pollution is a problem in all of the watersheds in Richland County.

The following are a list of goals, objectives and action plans.

### **Goal: Enhance, maintain, and protect surface water and ground water quality**

Objective: Reduce source of pollution to surface water

- Assist landowners with installation of buffer strips along streams and wetlands including Conservation Reserve Enhancement Program
- Promote and assist with rotational grazing along streams
- Provide technical assistance to landowner with stream bank protection to reduce sediment and nutrients from entering surface water
- Maintain Ash Creek Community Forest to demonstrate stream bank practices
- Implement performance standard reducing runoff of manure from cropland and barnyards within 300 feet of a surface water Educate landowners on potential sources of contaminants in groundwater
- **Work with sanitary districts on reducing phosphorus entering surface water**

Objective: Reduce sources of pollution to ground water

- Enforce manure storage ordinance
- Assist landowners with proper well abandonment
- Assist producers in reducing nitrogen leaching in areas shown through the well study that have high nitrate levels to reduce nitrogen leaching
- Identify areas of water infiltration and protect from contamination
- **Assist landowners with proper manure storage abandonment**
- **Educate landowners on potential sources of contaminants in groundwater**

Objective: Monitor surface and ground water quality

- **Conduct well study**
- **Explore grant opportunities for surface water monitoring**

Objective: Educate landowners on surface and ground water quality

- **Educate landowners on potential sources of contaminants in groundwater**
- **Educate landowners on link between low nitrates in surface water and the potential for high nitrate levels in drinking water wells**
- **Develop a list of best management practices**
- **Educate landowners on potential sources of contaminants in groundwater**

- Educate landowners on link between low nitrates in surface water and the potential for high nitrate levels in drinking water wells
- Provide a connection between experienced and in-experienced landowners on protecting and improving water quality
- Create social media and website posts with information and opportunities to improve water quality

## **Nutrient and Manure Management**

Proper nutrient management is important to protect the natural resources. Whether a person is fertilizing their garden or a farmer his/her field, nutrient management is a tool that needs to be utilized. Improper application of manure and purchased fertilizer can cause pollution to our groundwater and surface water.

This problem is both urban and rural. The over application of nutrients per acre is greater for lawns and gardens than for cropland. There are just more acres of cropland than lawns and gardens. Richland County wants to address both segments of the population.

Nitrate levels over 10.0 mg/L have been detected in wells in Richland County. An amount over 10.0mg/L violates state groundwater standards. At this level, it is recommended that infants and pregnant women not consume the water because the nitrate interferes with the ability of blood to carry oxygen. High nitrates may also be an indication that other contaminants are present in the drinking water. High nitrate concentrations in the drinking water have also been linked to spontaneous abortions in livestock.

Manure is an important nutrient if it is handled correctly. When it is spread at the wrong time (i.e. before snow melt or before a runoff event), the manure runs into nearby streams. Proper manure management is needed

The following are a list of goals, objectives and action plans.

### **Goal: Prevent over application of nutrients**

Objective: Educate landowners and producers on proper nutrient and manure management

- Offer farmer training workshops on developing nutrient management plans
- Promote soil sampling and testing
- Provide information to producers on where, when and how much manure to apply on crop fields
- Create social media and website posts with information and opportunities to water quality
- Provide a connection between experienced and in-experienced landowners on nutrient and manure management

## **Goal: Reduce and prevent occurrences of manure runoff events**

Objective: Prevent manure runoff events

- Provide timely information via social media and website when not to spread manure
- Work with manure storage permittees to prevent runoff events
- Assist landowners with proper manure storage abandonment

Objective: Assist producers who have a runoff event

- Provide technical assistance for those that have a runoff event
- Work with the Department of Natural Resources and producers when a runoff event occurs

## **Goal: Regulate manure storage and livestock siting**

Objective: Update ordinances concerning manure management and livestock siting

- Update manure storage ordinance
- Update livestock siting ordinance
- Update GIS website to show location of manure storage permits

## **Invasive Species**

Richland County, like many places in the state, has a number of invasive species threatening our native ecosystems. Plants like multi-flora rose, autumn olive, honeysuckle, garlic mustard, wild parsnip and purple loosestrife can be seen across the landscape. Some, like honeysuckle and purple loosestrife, were brought here for ornamental reasons. Others, like autumn olive and multi-flora rose, were once promoted for their habitat benefits. These plants instead have taken over the landscape. Some efforts have been made to control these invasive species, both, mechanically and chemically.

One of the newer invasive species in Richland County is Japanese knotweed. This species spreads most effectively by rhizomes and is found along streams and in wetlands. Most of the largest populations are along Willow Creek and the Pine River. A rapid response grant was used to treat the Willow Creek population on private property. The knotweed at that site was controlled for several years. The site will be inspected to see if the population is still under control.

In 2021, Richland County applied for a Lake Monitoring Protection Network grant to detect and prevent the spread of aquatic invasive species. This is a yearly grant that Richland County plans to continue applying for. Some of the eligible items include conducting watercraft inspections, education, volunteer training, early detection, and constructing and installing boot brush stations. Early detection is very important in trying to contain a potential invasive species and prevent it from spreading. Another essential tool is watercraft inspections like Clean Boats Clean Water at boat landings



and launches. In Richland County, these are located on the Wisconsin River and Pine River. The Wisconsin River is popular with anglers, kayakers, canoers and waterfowl hunters. The pine River has, in recent years, become more popular with kayakers. Educating watercraft owners and users on how to inspect their watercraft and trailers to prevent the transportation of plants on other invasive species. Also educating anglers to empty all live wells, coolers, etc at the landing and dispose of excess bait properly as not to spread invasives to other bodies of water. Boat brush stations on key access points to trout streams can slow the spread of invasive species that are trapped in the mud and treads of waders. Educating the youth about invasive species and recruiting volunteers to assist with watercraft inspection and early detection will make people more aware.

Effort has been made within the County to improve the habitat for native species. Conservation groups such as Trout Unlimited, **Pheasants Forever** and National Wild Turkey Federations have **promoted the use of native species in conservation work**. Some of these groups have worked with Land Conservation Department, Natural Resources Conservation Service and Department of Natural Resources on specific projects and tools to improve habitat. More work needs to be done to promote native species in Richland County.

The following are a list of goals, objectives and action plans.

### **Goal: Prevent and control the spread of invasive species**

Objective: Preventing and controlling the spread of invasive species

- Identify locations of newly identified species
- Apply for grant to control small sites as needed
- Encourage Conservation Reserve Program participants to control invasive species with proper control techniques and timing of control
- Work with landowners to plant natives, including pollinator plants
- Work with landowners to control noxious weeds
- Inventory invasive sites
- Work with the Department of Natural Resources and UW-Extension to educate landowners to prevent the spread of invasive species
- Assisting landowners in finding drills to plant native species
- Apply for the Land and Monitoring Network grant
- Educate the public on identifying and controlling invasive species
- **Complete Clean Boats Clean Water**
- **Educate high school students on invasives**

## **Forests**

Forestry is a very important land use in Richland County. Approximately 45% of the County is forested. The forests in the County provide wood products such as lumber and firewood as well as being important for wildlife, food source and water infiltration. Threats to the forests are insects, disease, grazing and overharvesting of timber. If the forests are not properly managed, erosion can occur such as erosion of forest roads.

The following are a list of goals, objectives and action plans.

**Goal: Improve the quality of forests**

Objective: Educate landowners on proper forestry management

- Refer landowners to DNR foresters
- Use Ash Creek Community for as an education site for forestry
- Encourage landowners to plant native tree and shrub species
- Sell native tree and shrub species
- Encourage landowners to work with the DNR foresters on forestry management to increase diversity and natural oak regeneration
- Encourage landowners to plant trees
- Encourage landowners to not pasture their woods.

## Tools and Strategies

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The land and water resource management plan is a ten-year strategic plan for Richland County. The plan was developed to guide the Richland County Land Conservation Department and the Land and Zoning Standing Committee. Some of the activities are led by other organizations and county departments. A work plan to implement the plan activities will be created annually. Development of the work plan will be completed in conjunction with local, state and federal partners as well as the Land and Zoning Standing Committee members. A review of work plan accomplishments with partners and Land and Zoning Standing Committee will be conducted prior to creation of the next year's plan. There are many groups and agencies that are involved with resource conservation in Richland County. Carrying out the provisions of this county land and water resource management plan will require the cooperation of many individuals and organizations

Many tools and strategies are available to implement the Land and Water Resource Management Plan. The actions that will be used to implement the goals and objectives in this plan can be placed in one of six categories of tools and strategies. The categories include:

- ⇒ Information and Education
- ⇒ Performance Standards and Regulations
- ⇒ Conservation Practices

- ⇒ Incentives
- ⇒ Targeting
- ⇒ Partnerships and Programs

These tools and strategies are ways the Land Conservation Department and their partners could address resource issues and concerns. These same tools and strategies will be used by Richland County to implement the State Performance Standards and Prohibitions for agriculture runoff.

## **Information and Education**

The Richland County Land and Zoning Committee (LZC) and Department (LCD) believe that public information and education on natural resource concerns and conservation practices is the preferred method to prevent and solve natural resource problems. Voluntary compliance with standards and regulation is preferable to enforcement procedures. Efforts have been made and will continue to be made to inform all producers and the rest of the public about standards and prohibitions and what needs to be done to reach compliance.

Education must be user friendly and geared to the audience. The concern is how to reach the audience, especially those who do not live in Richland County. The Land Conservation Department currently has a website <https://landconservation.co.richland.wi.us/> and a Facebook page. Periodically, they are updated as new information is available

Richland County will be involving the local media in our education efforts. The local radio station has a regular morning show which has been used in the past and will continue to be used as a means of disseminating information on programs and regulation. The local newspaper is another media source that can be used in this effort.

Besides radio and the newspaper, the producers and other local residents will be reached through workshops, meetings, mailings and one-on-one work. These are the easiest ways to reach the local people.

For those in Farmland Preservation Program, the compliance monitoring and self-compliance forms have been good sources of disseminating information on the performance standards and prohibitions. After receiving the self-compliance form, most landowners call or stop into the Land Conservation Department and ask the Land Conservation staff questions. The most common questions are concerning the nutrient management requirement.

Richland County will continue to provide educational material and displays at events like the Richland County Fair. This information reaches a wide audience including producers and other rural and urban residents.

Children are another important audience to reach. If they are taught earlier, as adults they will have a better understanding of what to do. The Richland County LCD and Department have sponsored Conservation Field Days for area sixth graders. These kids spend a day on Ash Creek Community Forest learning about land use management, forestry, soils, wildlife, conservation practices, prairies and water quality. The Richland Center High School FFA has worked with the LCD on several projects concerning natural resources. The best way to teach children is through hands on activities.

The hardest segment of the population to reach is the absentee landowners. They live all over the United States and other countries. Local media efforts do not reach them unless they happen to be in the county. Richland County has been using the County website and Facebook to reach these individuals. One of the best ways to reach the absentee landowners is through the realtors at the time of the property purchase. The Land Conservation Department, Farm Service Agency, Natural Resources Conservation Service and DNR Forestry Office are continually trying to inform realtors of the requirements of the programs. For most buyers, the realtors are the first people they talk to about the land and if the realtors have the correct information, there are fewer problems down the road.

The County has a Land Information website which includes a public map site. We are now tracking who is in compliance on this website and, although the general public does not have access to the compliance information at this time, Land Conservation staff can access the site and inform potential landowners on the compliance status of their farm or a farm they are interested in purchasing. Hopefully, within the next 5 years this layer will be available to the public.

Education is an important tool in improving the condition of the natural resources. It is mentioned under every resource category. The education components will need to be evaluated and improvements made where necessary.

## **Performance Standards and Regulations**

Many farmers voluntarily install conservation practices on their farms. They see the value not only to their farming operations but also to the environment with improvement in water quality, wildlife habitat and reduction in soil erosion. The Richland County LZC and LCD would prefer landowners voluntarily comply with regulations rather than enforcement actions. Cost-share dollars will still find priority with landowners looking to voluntarily implement Best Management Practices on their land. Richland County will continue to offer voluntary cost-sharing as program funds and priorities become available.

### **NR 151- State Agriculture Performance Standards and Prohibitions**

Wisconsin's rules to control polluted runoff from farms, as well as other sources, went into effect October 1, 2002. The State legislature passed the rules to help protect Wisconsin's lakes, streams and groundwater.

The DNR Administrative Rule NR 151 set performance standards and prohibitions for agriculture. It also set performance standards to control construction site erosion, manage runoff from streets and roads and manage fertilizer use on large turf areas.

DATCP Administrative Rule ATP 50 identifies conservation practices that farmers must follow to meet performance standards and prohibitions in NR 151. ATP 50 also sets out the requirements for nutrient management plans.

Below are the performance standards and prohibitions. A Surface Water Quality Management Area (SWQMA) is the area within 300 feet of a stream, 1000 feet of a lake or in areas susceptible to groundwater contamination.

- ⇒ All cropped fields and pastures shall meet the tolerable (T) soil erosion rate established for that soil
- ⇒ No tillage operation may be conducted within 5 feet of the top of the channel of surface waters. The area can be expanded to 20 feet in order to address soil erosion and stream bank integrity.
- ⇒ Annually develop and follow a Nutrient Management plan that meets Natural Resources Conservation Service (NRCS) Standard 590 on cropland. On pastureland if it receives mechanical applications of nutrients and/or is stocked at >1 animal unit per acres during grazing season.
- ⇒ Croplands, pastures, and winter grazing areas shall average a phosphorus index of 6 or less over the accounting period and may not exceed a phosphorus index of 12 in any individual year within the accounting period
- ⇒ All new or substantially altered manure storage facilities shall be constructed, maintained or abandoned in accordance with accepted standards. Failing and leaking existing facilities posing an imminent threat to public health or fish and aquatic life or violate groundwater standards shall be upgraded or replaced
- ⇒ Manure storage facilities must be properly abandoned according to NRCS Standard 360 if the facility has had no manure added within the last 2 years
- ⇒ There may be no significant discharge of process wastewater to waters of the state
- ⇒ Runoff from agricultural buildings and fields shall be diverted away from feedlots, manure storage areas and barnyards located within water quality management areas
- ⇒ Manure management prohibitions
  - No overflow of manure storage structures
  - No unconfined manure piles in a water quality management area

- No direct runoff from feedlots or stored manure into state waters
- No unlimited livestock access to waters of the state in locations where high concentrations of animals prevent the maintenance of adequate or self-sustaining vegetative cover

What does this mean to Richland County and the Land Conservation Department (LCD)? The Land Conservation Department will have the primary responsibility for the implementation of the agricultural performance standards and prohibitions. The major transition found in NR 151 is that it truly moves the majority of non-point source water quality work in Wisconsin from a mostly voluntary program to a program based largely on landowner participation through the option of regulation. NR 151 lays the foundation for minimal expectations in regards to land use and management practices within the agricultural landscape.

The agriculture performance standards and prohibitions found in NR 151 require 70% cost-sharing be offered to change an existing cropland practice or livestock facility to bring them into compliance with the new standards. The opportunity exists for an increase to 90% cost-sharing if economic hardship is proven.

The cost-sharing requirement applies to sites not found in compliance prior to October 1, 2002. For those in Farmland Preservation, cost-sharing is not required to comply with the performance standards and prohibitions. That does not mean that cost-sharing will not be offered. Farmers who are in compliance on or after that date do not have a right to cost-sharing if they later fall out of compliance. Farmers who establish new facilities may be eligible for cost-sharing, but cost-sharing is not required for compliance. Those farms covered under a Wisconsin Pollution Discharge Elimination System (WPDES) permit (1000 + animal units) are not eligible for state cost-sharing to meet performance standards and prohibitions required under their permit.

Inventorying and tracking are important components of this process. As stated earlier, this will be done as staff time allows. Farmland Preservation participants will be checked during status reviews. Other priorities will be those farms with a complaint and those where it is seen to have a potential problem, especially if within 300 feet of a stream. On-site farm visits will be completed. The on-site visit will include one-on-one discussion with the landowner about the performance standards and prohibitions and which ones the landowner complies with. Options to bring the farm in compliance will also be discussed. Richland County is using a compliance form developed by the Wisconsin Department of Agriculture, Trade and Consumer Protection. The number, frequency and location of the on-site farm visits will strongly hinge on the current and future level of staff funding and resources that will be available.

Richland County LCD has a GIS layer available to visually track who is in compliance. This layer is part of the County's Land Records system. Data is being added every year. Within the next 5 years, the Compliance layer should be available for the public. The other layer that will be added with the next 10 year is the manure storage permits.

The next step will be to notify landowners, by letter, what standards and prohibitions they are or are not in compliance with as of that date. The LZC and LCD would then make an offer of cost-sharing to bring the farm into compliance.

If information and education, incentives and programs and partnerships do not bring about compliance, the LZC and LCD will take enforcement action. The Richland County LZC will take the lead role in the implementation of NR 151. The LCD will be working in close cooperation with DNR and other agencies towards a practical implementation process that serves all involved.

Richland County does not have any ordinances in place, nor will it in the near future, to enforce the agricultural performance standards and prohibitions, aside from provisions in the manure storage and livestock siting licensing ordinances and on lands claiming tax credits under the Farmland Preservation Program. Richland County may work with DNR to develop a Memorandum of Understanding for the enforcement of the agricultural performance standards and prohibitions in certain cases.

Richland County Land Conservation Department's ability to implement the NR 151 performance standards and prohibitions is dependent on the LCD receiving adequate funds to cover both staff and cost-sharing resources. It is anticipated that the DNR and DATCP will be the major financial resources Richland County will look to for partnership in this process.

## **NR 216 - Stormwater Discharge Permits**

Agriculture is **not** exempt from the requirement to submit a notice of intent (NOI) for one or more acres of land disturbance for the construction of structures such as barns, manure storage facilities or barnyard runoff control systems. Construction of an agricultural building or facility must follow an erosion and sediment control plan consistent with s. NR 216.46, Wis. Adm. Code, including meeting the performance standards of s. NR 151.11, Wis. Adm. Code. Agriculture is exempt from this requirement for activities such as planting, growing, cultivating and harvesting crops for human or livestock consumption and pasturing of livestock as well as for sod farms and tree nurseries. NR 216 establishes the criteria and procedure for issuance of storm water discharge permits to limit the discharge of pollutants carried by storm water runoff into waters of the state.

## **County Regulations**

### Manure Storage Ordinance

This ordinance is administered by the LZC and LCD. It regulates the construction or alterations of manure storage facilities that are 3,500 cubic feet or 30 days storage, whichever is smaller. Landowners are required to obtain a permit before construction. The permit requires the design and installation of the facility meets NRCS Technical Standards. It also requires that a nutrient management plan be developed and submitted before the permit is issued. The original ordinance was enacted in October

1, 1999. The nutrient management plan required was nitrogen based. New state standards require nutrient management with phosphorus being the limiting factor. The ordinance was revised in 2008 to meet the new requirement and to require a nutrient management plan as long as the manure storage structure exists. The LZC and LCD will use this regulation to reduce polluted runoff delivery to ground and surface water. **The ordinance needs to be update within the next 5 years.**

#### Livestock Siting Licensing Ordinance

This ordinance was enacted in 2009. This ordinance regulates new and expanding livestock operations with more than 500 animal units. Operators are required to obtain a license before building or expanding and must meet certain performance standards and prohibitions related to animal waste handling and storage, nutrient management and runoff management. For existing operation at or expanding to 1000 + animal units or new operations 500+ animal units, odor control is also a requirement. The ordinance is enforced by the LZC and LCD instead of Zoning, so it is effective county-wide. Currently, only 11 of 16 townships in the county are county zoned. The LZC and LCD uses this regulation to reduce polluted runoff and sediment delivery to ground and surface water and to obtain compliance with the performance standards and prohibitions for agricultural runoff in NR 151. **The ordinance needs to be updated within the next 5 years.**

## **Conservation Practices**

Conservation practices are constructed practices or land management techniques that will reduce or prevent soil erosion and polluted runoff or reduce the amount of runoff that reaches surface and ground waters.

The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is responsible for developing and maintaining the list of cost-share practices to implement NR 151. A listing and description of those practices can be found in ATCP 50. They are as follows:

Access Roads	Residue Management
Animal Trails & Walkways	Riparian Buffers
Barnyard Runoff Systems	Riparian Land Out of Production
Contour Farming	Roofs
Cover Crop & Green Manure	Roof Runoff Systems
Critical Area Stabilization	Sediment Basins
Diversions	Sinkhole Treatment
Field Windbreaks	Streambank & Shoreline Protection
Filter Strips	Strip Cropping
Grade Stabilization Structures	Subsurface Drains
Heavy Use Protection	Terrace Systems
Land Out of Production (Cropland)	Underground Outlet
Livestock Fencing	Waste Transfer Systems



Livestock Watering Facilities  
Manure Storage Closure  
Manure Storage System  
Milk house Waste System  
Nutrient and Pesticide Management

Wastewater Treatment Strips  
Waterway Systems  
Well Decommissioning  
Wetland Restoration

The USDA-NRCS Technical Standards contain the specifications for the design, construction, implementation and maintenance of these practices. Copies of the USDA-NRCS Technical Standards can be viewed on-line at <https://efotg.sc.egov.usda.gov/#/state/WI/documents/section=4>

The Richland County LCD will promote the installation and use of conservation practices. The LCD will also assist county landowners with the design, installation and maintenance of the conservation practices by providing technical assistance and expertise.

## **Incentives**

There are many ways to try to convince landowners to install conservation practices on their property. Incentives can play a significant role in obtaining voluntary compliance with performance standards and prohibitions. Incentives are usually monetary, but can also be in the form of public recognition.

Monetary incentives can help defray the costs of installing conservation practices, some of which are very expensive. This type of incentive is often connected with participation in Federal, State and Local programs. In addition to helping improve and protect the natural resources, the monetary incentives contribute to the economic growth and health of Richland County. Local contractors install the practice, buying supplies locally. The LCD will use monetary incentives to further the goals and objectives of this plan and to gain compliance with the performance standards and prohibitions. Examples of monetary incentives are:

- ⇒ Tax Credit- Farmland Preservation Program
- ⇒ Cost Sharing- Land and Water Resource Management, Environmental Quality Incentives Program, Targeted Resource Management Grant, Wisconsin Forest Landowner Grant Program
- ⇒ Rental Payments- Conservation Reserve Program, Conservation Reserve Enhancement Program

Another form of incentives is public recognition. Richland County LZC and LCD have and will continue to use the following to promote conservation:

- ⇒ Website- Before and After Pictures
- ⇒ Displays- Before and After Pictures
- ⇒ The Richland County LZC and LCD will continue to search for new programs and grant funds to provide incentives for county landowners.

## **Targeting and Priority Farm Strategy**

Limited staffing resources and funding for conservation practices limit what of the actions in work plan Richland County will be able to perform. To be the most efficient, the LCD will target their actions and resources to critical areas in the County.

All farms in the county will need to be reviewed to ensure compliance with the standards and prohibitions, regardless of whether they are in programs that require compliance. Office records and documents such as conservation plans, cost-share agreements and animal waste storage facility permits will be used as part of the review process. Digital aerial photography, farmer interviews and in-field investigations of all sites will also be used. Compliance or noncompliance of each farm with each performance standard and prohibition will be recorded on a standard form and will be tracked with a computer spreadsheet. Results of the compliance reviews will be reported to DATCP annually during regular progress reporting.

Farms will be chosen for review on compliance with one or more of the standards and prohibitions using the priority ranking. The department decided not to list specific landowners in the plan at this time.

1. 303(d) & TMDL watersheds (Little Bear & Little Willow creeks)
2. Farmland Preservation (Working Lands Initiative) Participants who are found in non-compliance.
3. Farms within Surface Water Quality Management Areas (1000 feet of lakes and 300 feet of streams) that are known to be or found to be in significant noncompliance with the standards and prohibitions that impact surface water
4. Other farms that are known to be or found to be in significant noncompliance with performance standards and prohibitions
5. Farms whose operators request a review or need one for program participation or a permit/license application
6. Land, that through survey data, monitoring or visual inventory, show a need for water quality improvement or soil loss reduction
7. Other farms within Surface Water Quality Management Areas
8. Farms in areas that have higher susceptibility for nitrate leaching into groundwater
9. Prioritize sub-watersheds to be evaluated based on highest soil erosion rates as determined by conservation partner agency survey data and department staff knowledge of resource concerns.
10. Encourage voluntary participation in on-farm resource evaluations and cost sharing program for agricultural conservation practices.
11. Implement most cost-effective practices as a high priority.
12. Evaluate parcels receiving cost sharing from DATCP or DNR grant.
13. Evaluate all parcels owned by a landowner applying for a Richland County Manure Storage Ordinance permit.

14. Coordinate DATCP funding for conservation practices to meet the agricultural performance standards with other cost share opportunities such as the Federal EQIP (Environmental Quality Incentives Program).
15. Evaluate all performance standards at one time for a farm/site with an on-site visit.
16. Document compliant parcels through a landowner compliance status and track parcels using a GIS database (contingent on available staff time)
17. Watersheds where other partners are assessing natural resource conditions or targeting their own efforts to improve water quality

New critical areas may be created as a result of new resource inventories or modeling efforts.

## **Partnerships and Programs**

There are many agencies and organizations in Richland County working to protect the natural resources. Each has their own mission and programs, but they all work toward a common goal to preserve the environment for future generations. None of the agencies and organizations have large enough staffs to carry out the workloads. Everybody has and will continue to work together to successfully implement the goals and objectives in this plan.

The Land Conservation Department will be the main agency to implement the Land and Water Resource Management (LWRM) Plan. The department provides technical assistance to landowners, financial assistance through state programs and education opportunities in cooperation with other agencies. Other responsibilities include implementation of the performance standards and prohibitions, farm plan status reviews and enforcement of the Manure Storage and Livestock Siting Licensing Ordinance.

The University of Wisconsin-Extension County Agents provide technical assistance and educational opportunities for Richland County landowners. They coordinate many of the educational activities and will assist in many of the educational activities to implement this plan.

The USDA-Natural Resources Conservation Service provides technical and financial assistance to land owners involved in Federal programs. Some of the resource concerns they focus on are soil erosion, water quality and nutrient management. NRCS has and will continue to be involved with the educational programs for landowners.

The USDA-Farm Service Agency provides financial assistance to landowners and manages many of the farm bill programs. They have been and will continue to be involved with some of the educational programs.

The DNR Forestry personnel provide technical assistance to landowners on forestry health, timber stand quality and quantity, and water quality and soil erosion in forested areas. They also assist landowners with timber sales and sign-ups for forestry programs and cost-sharing.

The Department of Agriculture, Trade and Consumer Protection (DATCP) provides technical and financial assistance to landowners through the county. Conservation practices are installed with their assistance.

The Richland County Zoning Department is the county department that issues permits and enforces land use ordinances such as Shoreline Ordinance, Floodplain Ordinance, Non-metallic Mining Ordinance, Zoning Ordinance, Subdivision Ordinance, etc. Richland County's Comprehensive Land Use Plan is also administered by this department.

Different Trout Unlimited Chapters have assisted the county with stream bank protection projects in the past. They have provided voluntary labor in building L.U.N.K.E.R.S. and sometimes have provided funds to assist landowners in paying for projects along streams with DNR fishing easements.

Many of the partners have specific programs that offer cost-sharing or annual payments to improve and protect the natural resources. The programs will assist Richland County in implementing the Land and Water Resource Management plan including the performance standards and prohibitions. The programs are:

Conservation Reserve Program (CRP)

This federal, USDA program provides annual rental payments for taking environmentally sensitive cropland out of production for 10 to 15 years. This land is usually highly erodible. The land must be planted and maintained in vegetative cover consisting of certain mixtures of trees, shrubs, forbs and/or grass species. Cost-sharing incentives and technical assistance are provided for planting and maintenance.

Conservation Reserve Enhancement Program (CREP)

This joint federal, state and local program provides annual rental payments up to 15 years for taking cropland and marginal pasture adjacent to surface water out of production. A strip of land adjacent to the stream must be planted and maintained in vegetative cover consisting of certain mixture of trees, forbs and/or grass species. This land is highly sensitive and, by putting land into this program, there is less sediment and nutrient getting into the streams. Cost-sharing incentives and technical assistance are provided for planting and maintenance of the vegetative strips. Landowners also receive an upfront, lump sum payment for enrolling in the program, with the amount of payment dependent on whether they enroll the program for 15 years or permanently.

Environmental Quality Incentives Program (EQIP)

This federal, NRCS, program provide technical assistance and cost-sharing to farm operators to install conservation practices to reduce soil erosion and polluted runoff delivery to ground and surface waters. Farmers compete annually for the limited funds. The LZC and LCD are members of the USDA Local Work Group that prioritizes resource concerns for this program.

#### *Farmland Preservation Program (FPP)*

This state program provides tax relief to farmland owners for maintaining their land in an agricultural use. This program is part of the Working Lands Initiative (WLI). Those participants in zoned townships must be in compliance with the Agricultural Performance Standards to remain eligible. The landowners in unzoned townships with existing agreements must be in compliance with the standard in place at the time of their agreement. Agricultural Enterprise Area (AEA) may be developed in any area of the county (zoned or unzoned) and landowners may sign new agreements in those areas if they are in zoned or unzoned townships.

#### *LWRM Plan Implementation Cost-sharing Program*

This cost-sharing program is administered by the LCD and Wisconsin DATCP. DATCP annually provides funds for landowners to cost-share the installation of conservation practices that are needed to accomplish the goals and objectives of the County's LWRM plan. The cost-share funds can be used throughout the County but are often targeted to certain areas or resource concerns.

#### *Managed Forest Law*

This DNR program provides a reduction in property taxes to woodland owners if they enroll their woodland into it for 25 to 30 years and develop and follow a forestry management plan. Technical assistance to develop the plans is provided by private consulting foresters and reviewed by DNR foresters. Woodlands cover must cover at least 10 contiguous acres to be eligible. Any sites with erosion problems are noted in the plan.

#### *Targeted Resource Management (TRM) Grants*

These competitive grants from DNR can be used to cost-share conservation practices for controlling polluted runoff from urban and agricultural sources. Grant funds must be utilized in one to two years and are limited to \$150,000.

#### *Wetland Reserve Program (WRP)*

This federal, USDA program, provides cost-share payments for restoring wetlands that have been previously altered for cropping. Landowners may enroll land for differing periods in time from 10 years to permanently. Percent cost sharing for restoration costs depend on the length of period or enrollment. A lump sum is paid for permanent or 30 year enrollment.

#### *Wildlife Habitat Incentive Program (WHIP)*

This federal, USDA program, provides cost-sharing payment to landowners for developing or improving fish and wildlife habitat on almost all types of land including cropland, woodlands, pastures and streams. Practices used for development and

improvement of habitat include native plant community establishments, fencing of livestock out of sensitive areas and in-stream structures for fish.

#### Wisconsin Forest Landowner Grant Program (WFLGP)

This DNR program provides cost-sharing on conservation practices to private landowners for protecting and enhancement of their forested land, prairies and waters. This program allows qualified landowners to be reimbursed up to 65% of the cost of eligible practices. Practices must be identified in the landowner's Forest Stewardship Plan (except if applying for plan development) to be eligible for cost-sharing.

#### USDA Program Cross Compliance

Many USDA programs require that participants comply with a higher level of conservation standards to maintain eligibility for the program and to receive incentives from it. The LZC works cooperatively with NRCS to provide program participants technical assistance in installing and maintaining conservation practices to meet these higher standards.

#### Wisconsin Pollution Discharge Elimination System (WPDES) Permit

This program, administered by the DNR, requires new and expanding large livestock operations of over 1,000 animal units (equivalent to 714 mature dairy cows) to obtain a State permit to operate. In order to obtain a permit, the operation must meet certain performance standards and prohibitions to prevent pollutant discharges to waters of the state. Permits can also be required for smaller operations that discharge significant amount of pollutants. Permit requirements are prescribed in section NR 216 of the Wisconsin Administrative Code.

### **Conclusion**

All of the tools and strategies listed in this section will assist the County and its residents in achieving the goals and objectives in this plan. Not every tool and strategy will be used for every goal and objective, the use of a combination of them should help landowners adopt many of the necessary conservation practices to achieve them.

# Monitoring and Evaluation

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Richland County LCD can use several tools to evaluate and assess changes. In April of each year, the LCD completes and submits a progress report to the DNR and DATCP. The Transect Survey, done yearly, can track crop erosion trends. The LCD has been tracking compliance with the performance standards and prohibitions by computer. The GIS layer has been created and is updated periodically throughout the year. It is not available to the public at this time, but hopefully it will in the next 5 years. The ability to inventory and track using GIS will prove to be the most valuable management tool Richland County has to evaluate the overall status of resource needs in the county. Having this layer available along with the DNR surface water data viewer will enable agencies and partners to plan stream evaluation and monitoring activities. Within the next 10 years, the plan is to have a GIS layer for the manure storage permits. This layer would document the location, date of installation, type of structure, etc..

Evaluation of the number of nutrient management plans completed or number of farm plans reviewed are all items that can be measured and used in evaluation of the effectiveness of the plans. But such counting does not provide an accurate indication of improvements in water quality. Just because someone has completed a nutrient management plan does not mean the plan is being applied correctly. The effect of conservation practices on the environment is not possible to see in the stream in a few short years (e.g. 5 years). Long term water quality monitoring must be done to show progress.

There are several monitoring stations located in Richland County. The DNR Surface Water Viewer which has maps of all of those locations as well as other pertinent information. A copy of this map is located in Appendix B.

The Department of Natural Resources (DNR) will continue baseline surveys of streams in the county to assess general condition and identify problem streams or watersheds. This includes sampling water chemistry, surveying fish and habitat. In addition, the department will continue to monitor waters on the 303(d) list of impaired waters to determine if they are meeting state water quality standards and their designated uses as described by Wisconsin Administrative Code. Streams will also be monitored to determine if they should be placed on the impaired waters list, which is submitted to the Environmental Protection Agency on a biennial basis. For water bodies placed on the impaired waters list, the department will develop Total Maximum Daily Load (TMDL) studies. Long term trend monitoring will continue on the Wisconsin River for analyzing trends and general water quality conditions. *(Information provided by Jean Unmuth, DNR Water Biologist)*

Richland County submits annual reports to the DNR and DATCP showing what the LCD has done including what has been accomplishments in compliance with the State Agriculture Performance Standards and Prohibitions.



# Appendix A- Definitions and Acronyms

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<b>BMPs</b>	Best Management Practices
<b>CREP</b>	Conservation Reserve Enhancement Program
<b>CRP</b>	Conservation Reserve Program
<b>DATCP</b>	Department of Agriculture, Trade and Consumer Protection
<b>DC</b>	District Conservationist
<b>DNR</b>	Department of Natural Resources
<b>EQIP</b>	Environmental Quality Incentives Programs
<b>FSA</b>	Farm Service Agency
<b>GIS</b>	Geographic Information System
<b>I&amp;E</b>	Information and Education
<b>LWCB</b>	Land and Water Conservation Board
<b>LCD</b>	Land Conservation Department
<b>LZC</b>	Land and Zoning Committee
<b>LWRM</b>	Land and Water Resource Management
<b>MOU</b>	Memorandum of Understanding
<b>NPS</b>	Nonpoint Source Pollution
<b>NOD</b>	Notice of Discharge
<b>NPM</b>	Nutrient & Pest Management
<b>NRCS</b>	Natural Resources Conservation Service
<b>PL-566</b>	Public Law-566
<b>RC&amp;D</b>	Resource Conservation and Development
<b>RCRE</b>	Richland Center Renewable Energy
<b>RCWWTP</b>	Richland Center Wastewater Treatment Plant
<b>SWRM</b>	Soil and Water Resource Management Program
<b>“T”</b>	Tolerable Soil Loss
<b>USDA</b>	United States Department of Agriculture
<b>USGS</b>	United States Geological Society
<b>UWEX</b>	University of Wisconsin-Extension
<b>WALCE</b>	Wisconsin Association of Land Conservation Employees
<b>WCA</b>	Wisconsin Counties Association
<b>WDAC</b>	Wildlife Damage Abatement & Claims Program
<b>WFLGP</b>	Wisconsin Forest Landowner Grant Program
<b>WI Land+</b>	Wisconsin Land + Water Association
<b>WHIP</b>	Wildlife Habitat Incentives Program
<b>WRP</b>	Wetlands Reserve Program

## **Definitions**

### **303(d) Waters:**

A list submitted to the U.S. Environmental Protection Agency, which identifies waters that do not meet water quality standards for specific substances or the designated use. This list is required under the Clean Water Act and determined by the Wisconsin DNR

### **Basin Water Quality Management Plans:**

A plan to document water quality conditions in a drainage basin and make recommendations to protect and improve basin water quality. Each Wisconsin basin must have a plan prepared for it, according to Section 208 of the Clean Water Act.

### **Best Management Practice (BMP):**

The most effective, practical measures to control non-point sources of pollutants that run off from land surfaces.

### **Class I Trout Stream:**

High Quality trout waters that have significant natural reproduction to sustain populations of wild trout at or near carry capacity.

### **Class II Trout Stream:**

Streams that may have some natural reproduction, but not enough to utilize available food and space. Stocking is required to maintain a desirable sport fishery.

### **Erosion:**

The wearing away of land or soil by wind or water.

### **Exceptional Resource Waters:**

Surface waters which provide outstanding recreational opportunities, support valuable fisheries, have unique hydrologic or geologic features, have unique environmental settings and are not significantly impacted by human activities. These waters may have point sources discharging directly to the water.

### **Geographic Information System (GIS):**

A computer system used to organize data geospatially by mapping and creating layers of information that are geographically in place. Allows users to visualize data for analysis and decision making.

### **Groundwater:**

Underground water-bearing areas generally within the boundaries of a watershed, which fill internal passageways of porous geologic formations with water that flows in response to gravity and pressure. Often used as the source of water for communities and industries.

### **Non-point Source Pollution:**

Pollution whose sources cannot be traced to a single point such as a municipal or industrial wastewater treatment plant discharge pipe. Non-point sources include eroding farmland and construction sites, urban streets, and barnyards. Pollutants from these sources reach water bodies in runoff, which can best be controlled by proper land management.

**NR 151:**

State Administrative code that establishes runoff pollution performance standards for non-agricultural facilities and transportation facilities and performance standards and prohibitions for agricultural facilities.

**Nutrient Management Plan:**

A guidance document that provides fertilizer and manure spreading recommendations for crop fields based upon soil test results and crop needs. Plans are sometimes referred to as NRCS 590 plans for the Natural Resources conservation Service standard that guides the plan preparations.

**Outstanding Resource Waters:**

Surface waters which provide outstanding recreational opportunities, support valuable fisheries, have unique hydrologic or geologic features, have unique environmental settings and are not significantly impacted by human activities. These waters do not have point sources discharging directly to the water.

**Performance Standards:**

The land management activities or threshold levels necessary to reduce or eliminate negative effects on land and water resources.

**Point Source Pollution:**

Sources of pollution that have direct discharges, usually from a pipe or outfall.

**Pollution:**

The presence of materials or energy whose nature, location or quantity produces undesired environmental effects.

**Prohibitions:**

Land management activities that are not allowed by local or state regulatory process.

**Riparian:**

Belonging, living or relating to the bank of a lake, river or stream.

**Riprap:**

Broken rock, cobbles or boulders placed on the bank of a stream to protect it against erosion.

**Runoff:**

Water from rain, snowmelt or irrigation that flows over the ground surface and returns to streams and lakes. Runoff can collect pollutants from air or land and carry them to receiving waters.

**Sediment:**

Soil particles suspended in and carried by water as a result of erosion.

**Tolerable Soil Loss (T):**

The tolerable soil loss rate in tons per acre per year, commonly referred to as “T”, is the maximum average annual rate of soil erosion for each soil type that will permit a high level of crop productivity to be sustained economically and indefinitely (ATCP 50.01(16)).

**Total Maximum Daily Loads (TMDL):**

The maximum amount of a pollutant that can be discharged into a stream without causing a violation of water quality standards.

**Variance:**

Government permission for a delay or exception in the application of a given law, ordinance or regulation.

**Water Quality Management Area (WMQA):**

An area defined as being within 1000 feet of a lake or 300 feet of a stream, river or tributary.

**Watershed:**

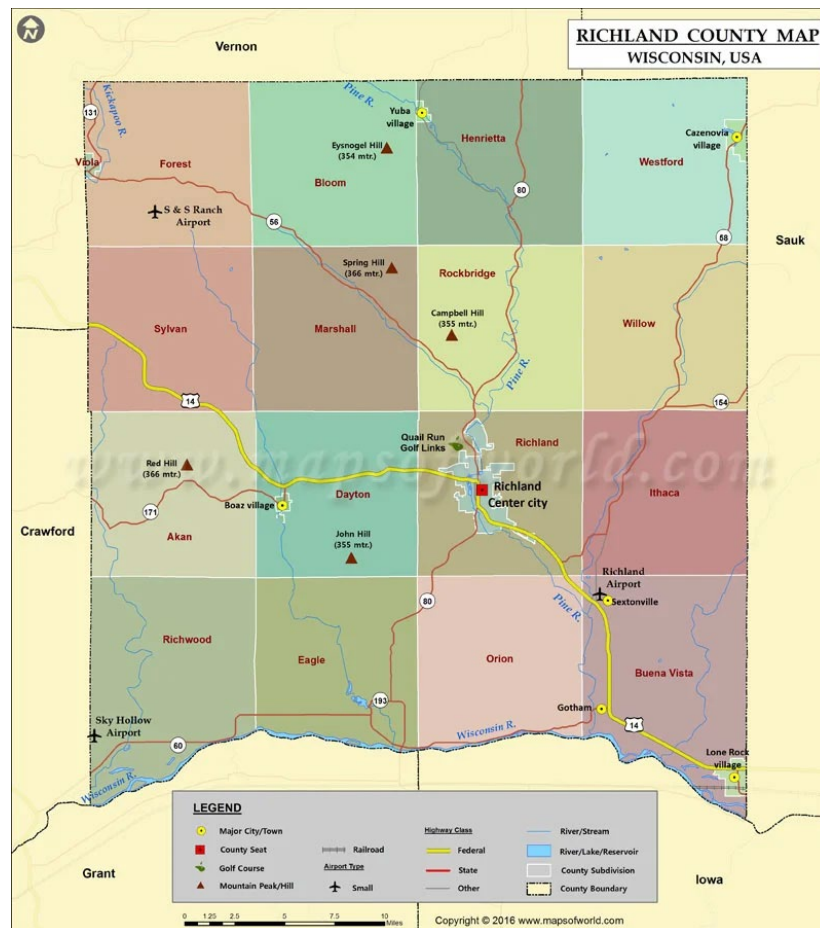
The land area that drains into a lake or river.

**Wetlands:**

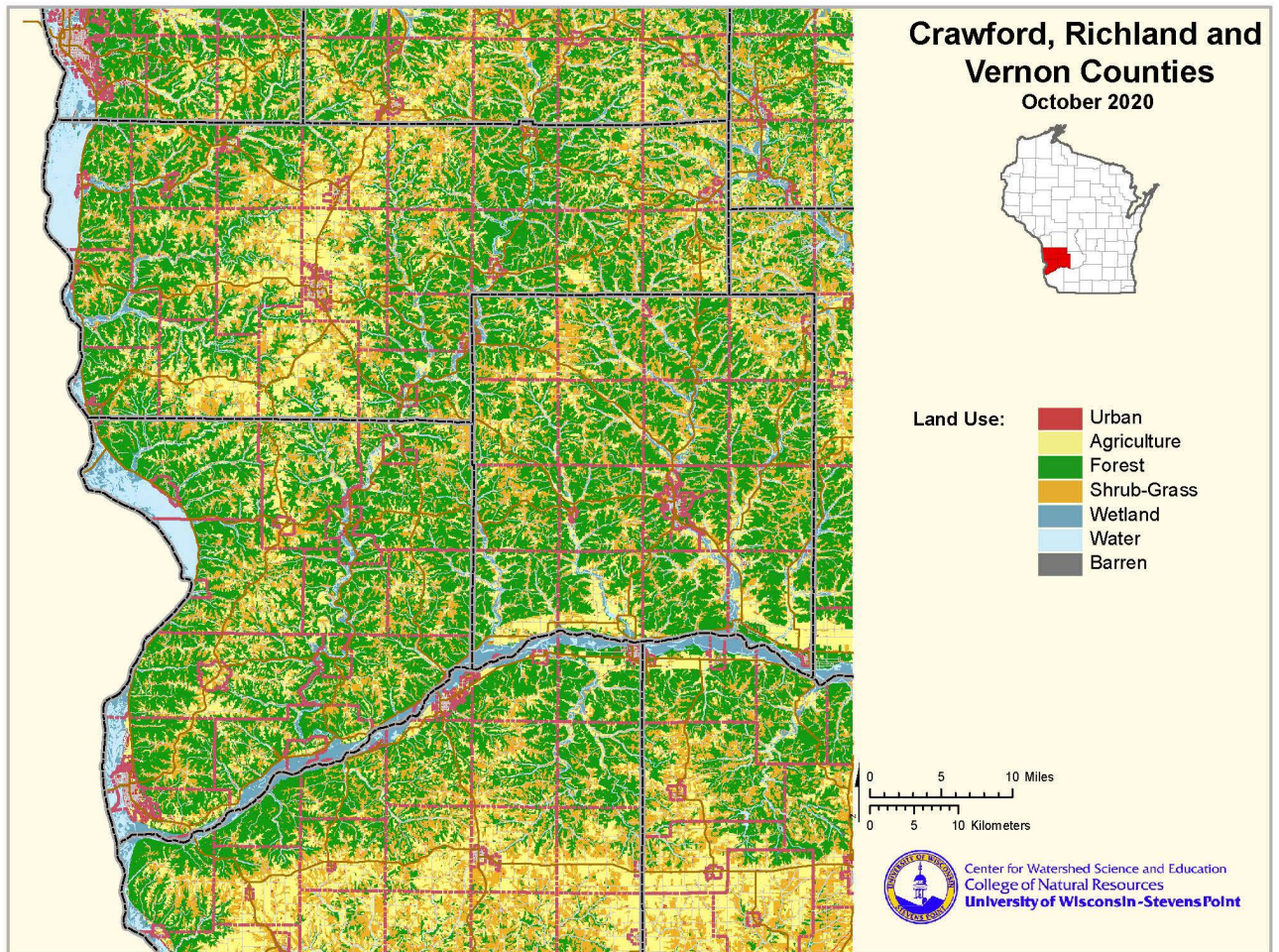
Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a variety of vegetative or aquatic life. Wetland vegetation requires saturated or seasonally saturated soil conditions for growth and reproduction.

# Appendix B- Maps

## Richland County Municipalities

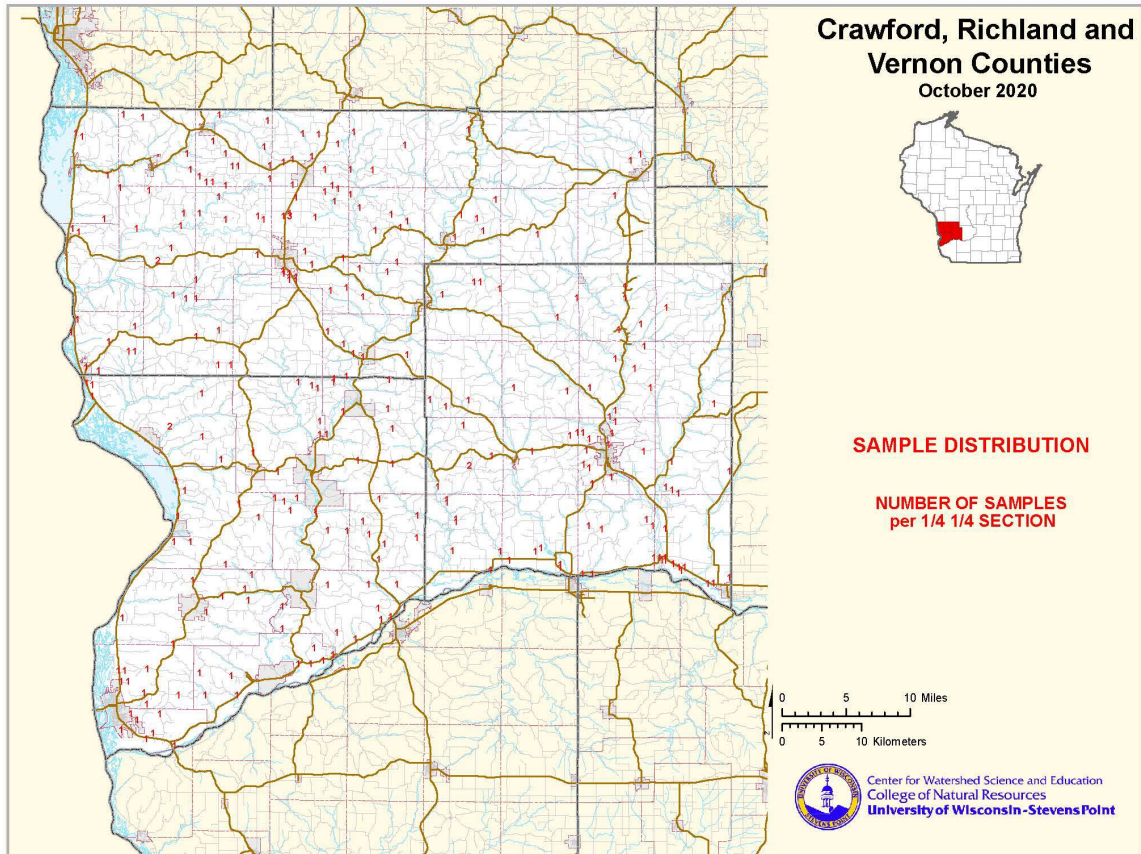


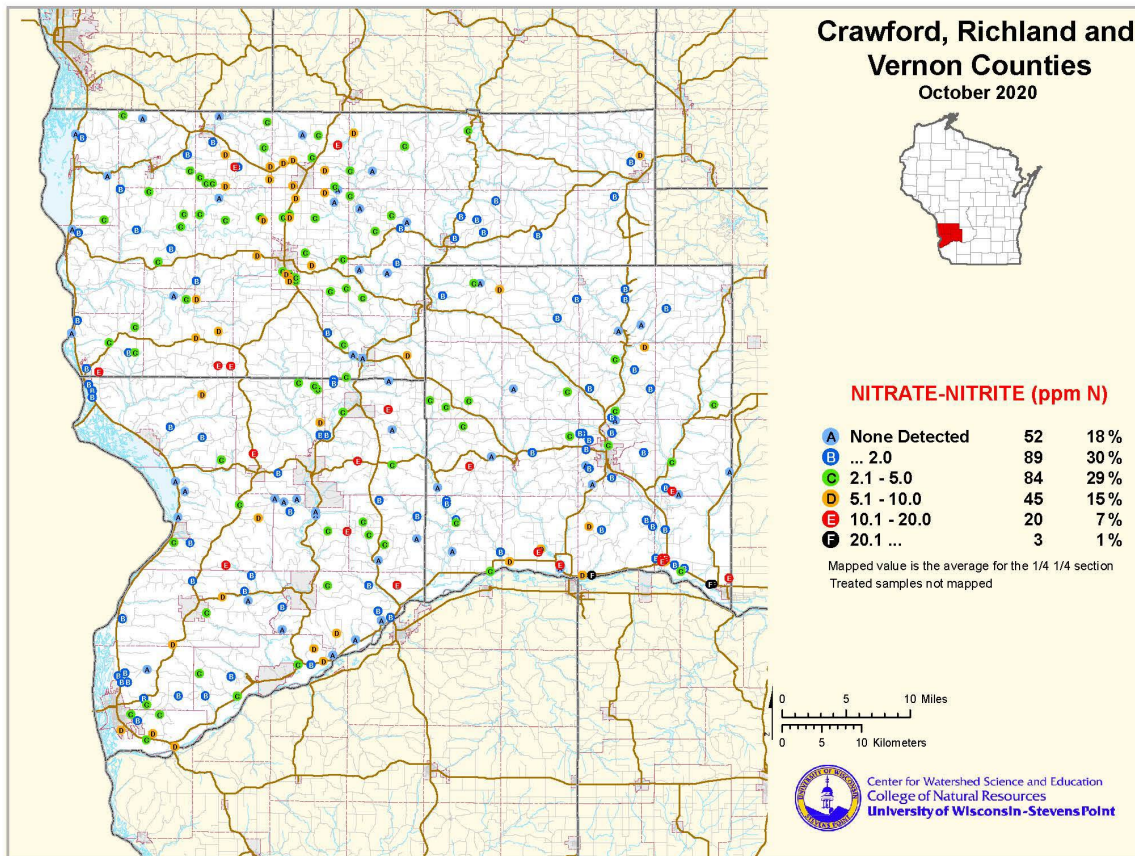
# Land Use



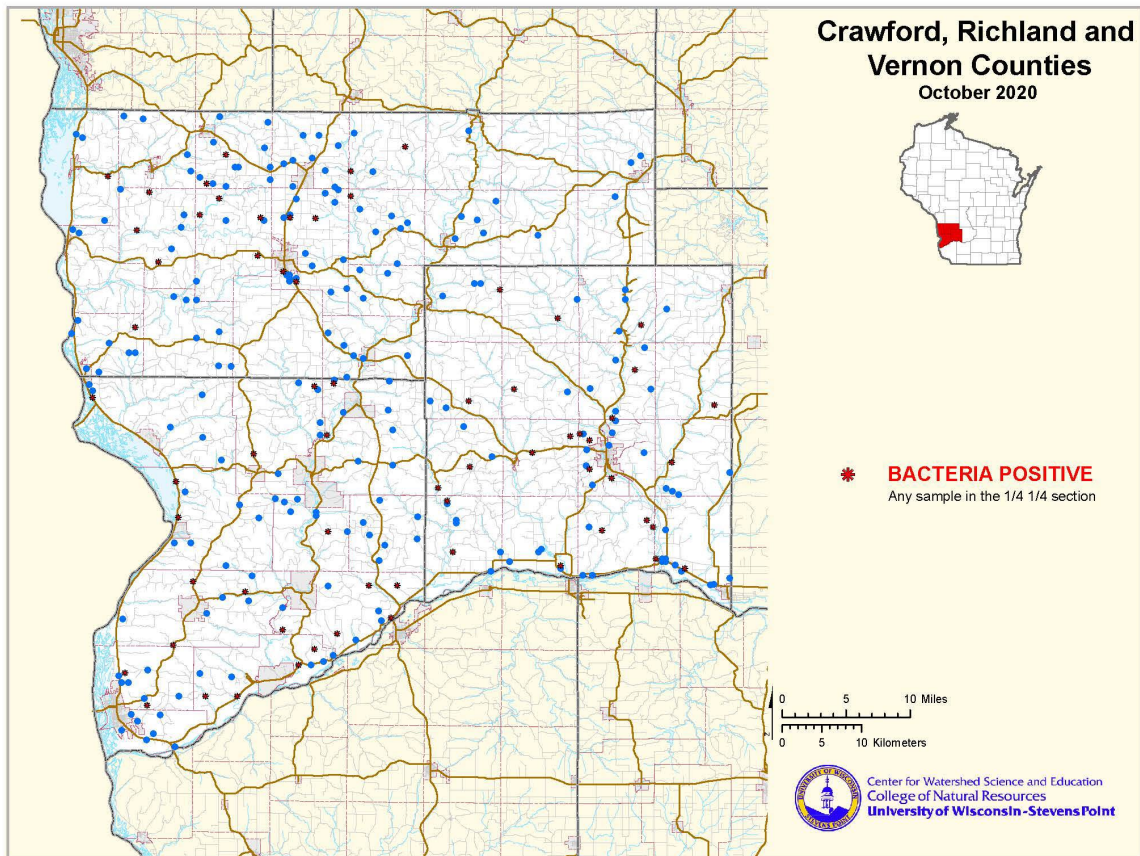


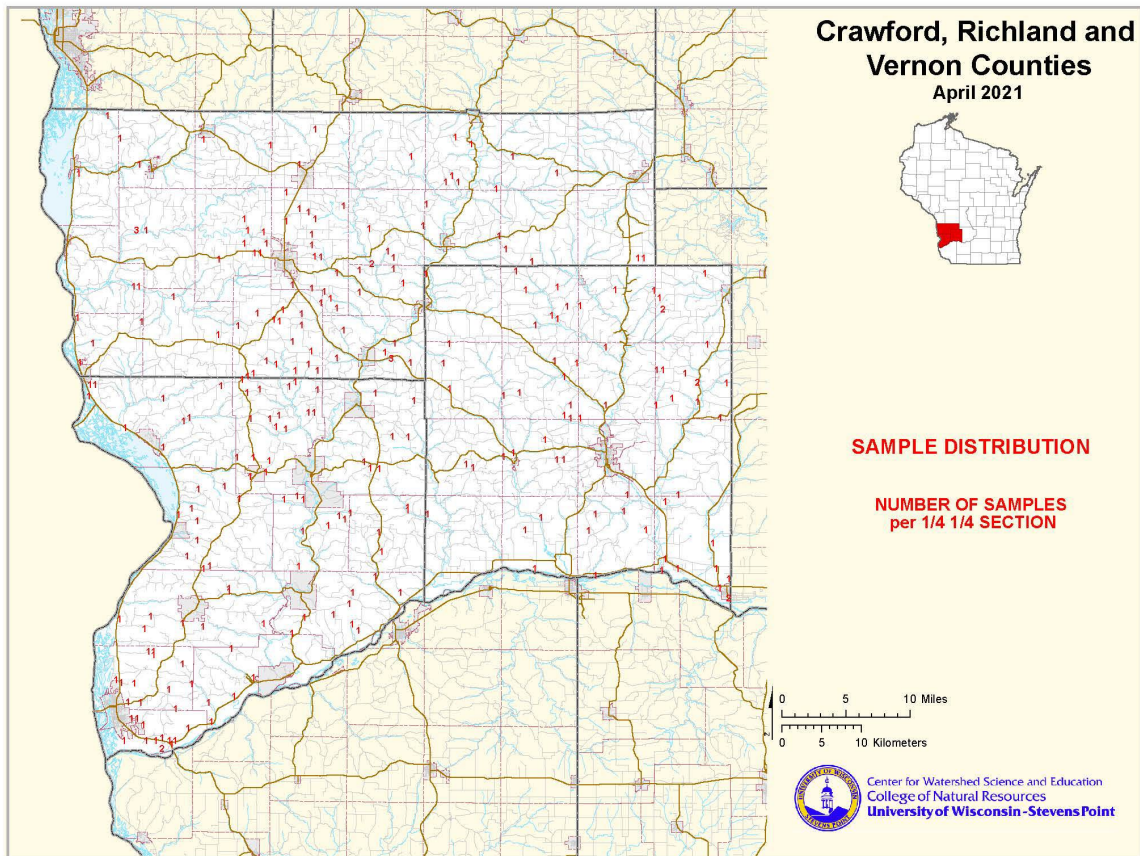
# Well test maps

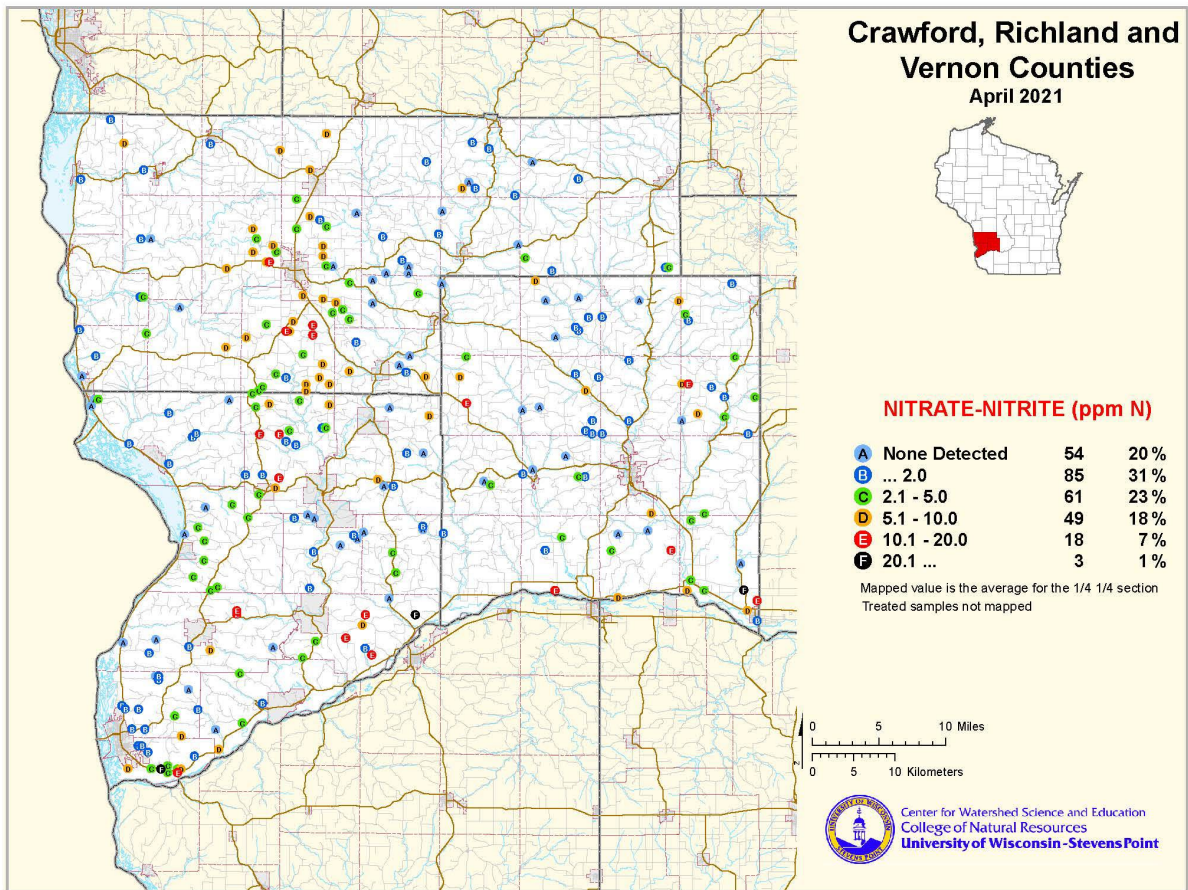






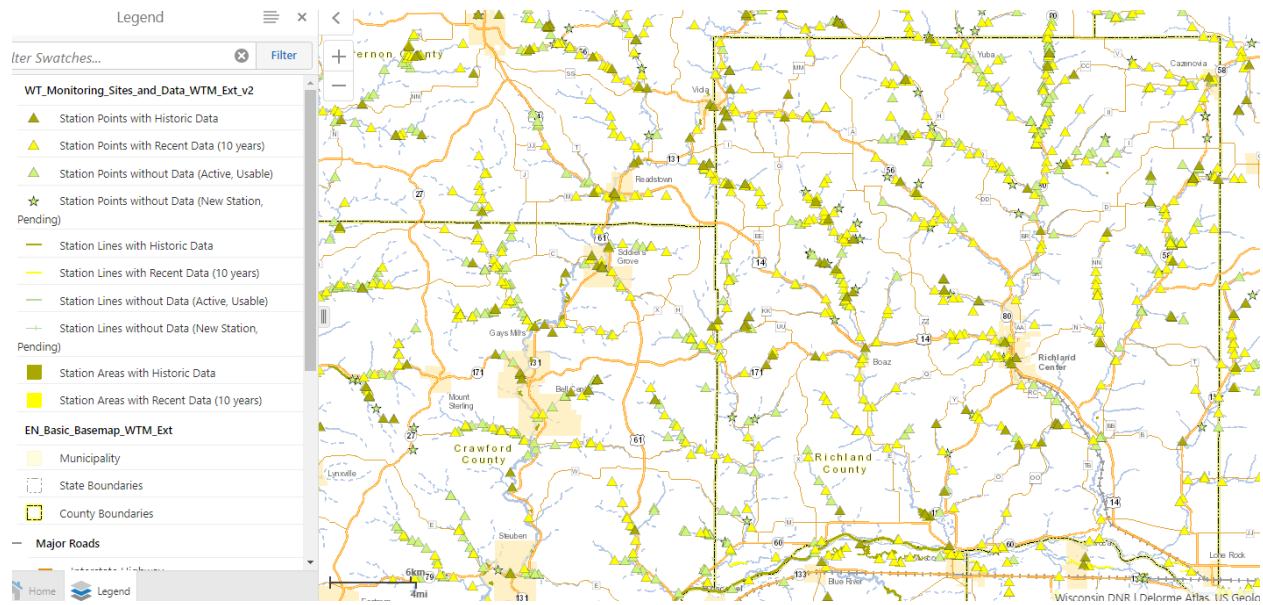








## DNR Monitoring Stations



## CONSERVATION PRACTICES INSTALLED IN COUNTY

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Nutrient Management	16933 Ac
Trails & Walkways	3500 Ft
Rip-rap	4210 Ft
Well Decommissioning	12No.
Grade Stabilization	1No
Grazing Plans	3 No
Cover Crops	150 Ac
Livestock Fencing	12000 Ft
Contour Strips	47 Ac
Manure Storage	1 No.
Manure Storage Closure	2 No.



Trail marking at Ash Creek

## LAND CONSERVATION COMMITTEE

STEVE WILLIAMSON— CHAIR  
MELISSA LUCK— VICE CHAIR  
SHAUN MURPHY-LOPEZ— SECRETARY  
LEE VAN LANDUYT  
MELVIN “BOB” FRANK  
GREG KINNEY—FARMER

## LAND CONSERVATION DEPARTMENT

CATHY COOPER— COUNTY  
CONSERVATIONIST  
TAMMY CANNOY-BENDER—SECRETARY  
KEN ANDERSON— CONSERVATION  
TECHNICIAN  
KENT MARSHALL— CONSERVATION  
PLANNER/TECHNICIAN



Japanese Knotweed New Growth



## 2021 Annual Report

## **RICHLAND COUNTY LAND CONSERVATION DEPARTMENT**





## 2021 ANNUAL REPORT— LAND CONSERVATION DEPARTMENT

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The Land Conservation Department (LCD) and Land Conservation Committee (LCC) assist landowners to improve and protect the natural resources of Richland County. The Land Conservation Department and Committee work with other government agencies and conservation groups to achieve this goal. They include UW-Extension, Natural Resources Conservation Service (NRCS), Department of Natural Resources (DNR), Department of Agricultural, Trade and Consumer Protection (DATCP) and Trout Unlimited. The LCD works hard to provide a seamless delivery of programs.



Streambank site before

### **Mill Creek Watershed**

- ⇒ Completed Annual Inspection
- ⇒ Removed brush from dams

### **Wildlife Damage**

- ⇒ Administered program
- ⇒ Contracted for Technical Assistance

### **Farmland Preservation**

- ⇒ Issued 3 new Certificates of Compliance
- ⇒ Mailed 324 self-certification letters
- ⇒ Completed 105 status reviews
- ⇒ Nutrient management plans and updates

### **Land & Water Resource Management**

- ⇒ Well Abandonment
- ⇒ Streambank Protection
- ⇒ Grade Stabilization
- ⇒ Stream Crossing
- ⇒ Assisted 3 landowners with enrolling land in Conservation Reserve Enhancement Program

### **Tree Sales**

- ⇒ 14 landowners ordered 1150 trees

### **Educational Activities**

- ⇒ 3 days of Clean Boats Clean Water inspections at Port Andrews Boat Landing

### **Other Activities**

- ⇒ Managed Ash Creek Community Forest
- ⇒ Investigated complaints
- ⇒ Advised landowners on conservation activities
- ⇒ Designed 4 streambank protection sites for Hub-Rock Sanitary district
- ⇒ Worked with other agencies on investigating restoring flood plain on Fancy Creek
- ⇒ Assisted 15 Producers with updating their farmer completed Nutrient Management plans
- ⇒ Complete Well water testing on 68 wells in April
- ⇒ Applied for a Lake Monitoring & Protection Network Grant



Spring Development with Animal

When it comes to short term rental zoning, communities have to decide on a policy that fits their history and ideals. This issue is especially likely to arise where tourists or a seasonal population are interested in temporary rentals of single-family residences, without the owner being on the premises.

With the rise of the sharing economy, online businesses such as Airbnb have made renting out a home, or just a room or two, an easy option for homeowners, even in areas not considered especially touristy. So this problem is increasing in frequency and potential for controversy.

Of course it is not a new issue where seasonal tourism is high, but the question has become newly relevant for many towns and cities that have never been seen a demand for short term rentals before now. This applies to areas that are near tourist attractions in large cities, but which have never thought of themselves as tourist destinations until now. What we have to say on this page applies to these sharing services as well.

Often the question is handled through the zoning ordinance, but sometimes a stand-alone ordinance may be enacted governing the conditions under which such a land use is permitted. We think it best to handle any regulation of short-term rentals within the zoning ordinance.

Commonly the short term rental zoning provisions define short term as less than 30 days. The same concept may be called transient rentals, or short term transient rentals. A few examples of a seasonal zoning regulation have been found as well, in which different regulations apply if the rental is for more than 30 days but less than 180 or so.

If the zoning ordinance is where short term rentals are regulated, the ordinance of course will spell out which zoning districts allow such a use. Sometimes ordinances require a special use permit, which usually leads to the same level of public hearings and action by the governing body equivalent to the process required for a rezoning.

We think the best provision would be to require a conditional use permit in any residential zoning district, which allows the city, township, or county to address concerns about extra vehicles, hours, noise, trash removal, frequency of turnover, and more. Then if the local government thinks that its comprehensive plan requires strict adherence to a single family model in some districts, conditions such as a minimum number of nights' stay for each tenant, a maximum number of nights of rental each year, and the presence of the owner-occupant on premises can be required.

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## Standards For Short Term Rental Zoning

In any event, the zoning ordinance is likely to set forth standards for short term rental zoning. Topics regulated might include:

- Posting or availability at the town hall of one or even two **local** contact persons who will be responsible for handling any problems that arise with the property. We think this is the most important regulation, and one that should be strictly enforced.
- Requirements for providing off-street parking. Unless the unit in question is very well served by public transportation, this is a must. Typically the requirement could be met by extra driveway space, but if even homeowners park on the street, be quite careful to include a sufficient regulation.
- Noise and nuisance provisions, or reference to other ordinances addressing such situations.
- Requirements that garbage collection be maintained, and limiting the hours before and after collection when the garbage receptacles can be in front of the home. Think through whether you want to tolerate a situation such as visitors leaving on Monday morning and wheeling a garbage can to the street, even though garbage collection does not occur until Thursday.
- Minimal required spacing between short term rentals. A particular interval of feet may be used to assure that an entire block does not turn into a short term rental district.
- Reinforcement of the idea that normal occupancy limits (number of persons who may live in the home) for a particular zoning district also apply to short term rental tenants.
- Proof of code compliance, fire safety measures, adequate water and sewer service, or other utilities or infrastructure that may be of particular concern.
- Requirements for notifying neighbors, or even for their agreement.
- Limitations on the turnover. Renting to six different tenants within a month probably won't be allowed in many places. There may be a minimum stay, perhaps of a week.
- Limitations on particular areas of the town or city where short term rental either is not allowed at all or is not restricted. Such statements within a zoning ordinance would amount to establishing an overlay district pertaining just to the subject of transient rentals.
- Imposition of a special use permit or conditional use permit requirement, allowing for scrutiny of the particular facts of a site before allowing such a use. Alternatively, you might provide for a city staff review based on specific criteria.
- A complaint structure through which close neighbors can report problems and issues to the city, or possibly even a mediation structure for disputes.
- A revocation procedure for a rental that proves to be a detriment to the neighborhood.

If the rental of homes for a short time is not covered in the zoning ordinance, or the town or city does not have a zoning ordinance, a separate law sometimes is enacted. Probably it would deal with the same types of limitations and requirements described above, as considered appropriate and necessary by the local government.

If your town is targeting regulations toward Airbnb and its competitors, you may want to discuss a requirement that the building is owner-occupied. This prevents the situation of an off-premises owner who may be conscientious but not aware of tiny problems that might arise each night. Yet it also allows homeowners with plenty of space and parking capability to be able to earn some extra income in a manner relatively harmless to the neighborhood.

A number of European cities, led by Paris, have adopted a registration process for the short term rentals, since prior to the licensing requirement they largely had been avoiding paying taxes required of hotels and other formalized lodging. Additional pushback in European cities has come from those who claim that the short term rentals of rooms and apartments have



become so lucrative that there is a loss of rental housing stock available for the local population. From some reports we have read, there is merit in this claim. We encourage you to think about the potential for loss of affordable housing for your own residents if short-term rentals become a significant factor in your community.

Resort cities and towns in the U.S. face a similar problem in that out-of-town visitors are willing to pay a premium for rooms that once were rented to seasonal employees, who now have nowhere to live. Each city in this situation has to wrestle with its moral and practical responsibility to provide housing for the seasonal workers who make the tourism industry possible.

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## Trends In Brief Rentals

We expect that the 2020-2021 COVID-19 pandemic has softened the appeal of short-term rentals, but any lasting impact will depend on how the public perceives the safety of staying in a residence other than a hotel and even on how quickly leisure travel recovers over a period of many months or years. This factor may give municipalities who have not yet addressed the issue some additional time to consider an appropriate response, but we think that at some point the popularity of this element of the sharing economy will continue on its overall upward trend.

In the case of both short term rental zoning and free-standing transient rental regulations, many communities that are aware of the connections between [tourism and economic development](#) have a tendency to begin with minimal regulation and to add requirements on the basis of particular problems that arise. If the town becomes divided over the issue, however, of course the regulations are likely to be more strict and more creative.

Still other towns choose to ignore the issue that some residents or property owners rent out homes for a very short term, considering this practice to be the prerogative of the property owner. Be aware that there will be resistance if you try to limit property owners' flexibility. As an example, see our exchange with a site visitor about being [forced to stop renting through Airbnb](#).

We see the opposite tendency in towns that do not consider themselves to be tourism oriented. Often they are very suspicious of allowing people to rent out rooms in their residence for a few days, thinking that it undermines the sanctity of single-family residential neighborhoods. They have a good point actually.

Some municipalities have asked planning or code enforcement staff members to monitor the big short-term rental websites to find any properties offered for stays in their jurisdiction. If you have had the policy debate and determine that you cannot allow this land use, it should be relatively easy to find property owners who are in violation, as they have to advertise to be known.

We advise you to think this through before it becomes a big issue though. There may be some zoning districts and even some particular lot configurations where any potential

disruption would be minimal, but where the economic benefits to property owners could be real.

Particularly in an unattractive real estate market, allowing short term rental zoning is probably not a bad idea, as long as the percentage of the housing stock devoted to this use is small. From the community perspective, short term rental use is probably preferable to a house going into foreclosure.

Some apartments run themselves, in a sort of absentee [bed and breakfast](#) situation. However, we recommend that it is best to require a meaningful stay if there is no on-premise owner or manager. Our advice would be to require a stay of at least three days but preferably five to seven.

This allows the neighbors to monitor the situation better. If new people can come in every night, neighbors will tend to shrug their shoulders about anything strange they see. But each community will need to evaluate its own situation to determine how to address home sharing.

<https://www.sheboyganpress.com/story/opinion/2022/06/10/airbnb-vrbo-rental-laws-wisconsin-advice-sheboygan-attorney/7557986001/>

# It's vacation season in Wisconsin. Here's what to know before renting your home on Airbnb or Vrbo.

**Adam Vanderheyden**

For USA TODAY NETWORK-Wisconsin

Wisconsin has a lot to offer, especially in the summer months. Rivers and lakes, shoreline beaches, the Northwoods, championship golf courses and world-renowned sports venues provide something for everyone in both rural and urban settings. Add cheese curds to the mix and the state practically sells itself.

Home-sharing companies like Airbnb and Vrbo have opened the doors for homeowners to take part in Wisconsin's \$17 billion tourism industry by facilitating vacation rentals for residential properties. Post-pandemic, these listings will only increase. But some laws apply to "short-term rentals" of fewer than 30 consecutive days.

## Statewide law

In 2017, Wisconsin enacted a short-term rental law — also known as the Right to Rent Law — that applies statewide. Under the law, no city, village, town or county (political subdivision) can prohibit rentals of residences for seven consecutive days or longer.

This statewide law does not override local laws that place restrictions on short-term rentals of less than seven days or don't conflict with provisions of the state law.

The state law followed several lawsuits involving homeowners who wanted to rent their homes but were told that local ordinances prohibited such short-term rentals. In some cases, neighbors may prompt restrictions on short-term rentals in their community.

But now, if a homeowner decides to list their home as a “short-term rental” for periods of seven to 30 days, a political subdivision cannot disallow it. It can only limit (by ordinance) the total number of days that a rental unit may be rented in a year, beyond 180 days.

The political subdivision cannot limit rentals to certain times of the year but “may require that the maximum number of allowable rental days within a 365-day period must run consecutively.” Before renting, a renter must notify the clerk of the political subdivision.

## **Other requirements**

Additionally, the state law requires anyone who maintains, manages, or operates a short-term rental for more than 10 nights each year to obtain a “tourist rooming house” license from the state department of agriculture, trade, and consumer protection.

The tourist rooming house license costs \$110 annually, with a one-time pre-inspection fee of \$300. A political subdivision may also enact ordinances that require a license from the political subdivision to begin offering short-term rentals, in addition to the state license, and may enact other requirements that don’t conflict with state law.

In fact, that’s exactly what the town of Holland did in Sheboygan County. The town enacted an ordinance that placed other requirements on short-term rentals “to ensure that the quality of short-term rentals operating within the Town is adequate for protecting public health, safety and general welfare.”

For instance, provisions of the ordinance prohibit excessive noise, limit the number of occupants, prohibits “greater than normal” traffic at the property, restricts outdoor events to no later than 10 p.m., and requires a property manager to be available at all times unless the owner lives within 35 miles of the short-term rental, among others.

These local requirements were challenged in court by a group called the Good Neighbors Alliance. But in February, a circuit court judge upheld the town of Holland’s ordinance relating to short-term rentals, in one of the first cases since the state law passed.

Thus, it’s important for those who want to rent their homes as short-term rentals to understand the state law, but also the local ordinances that may apply.

As communities balance rental rights with other concerns like limiting nuisances, preserving neighborhoods, and controlling health and safety, lawsuits concerning short-term rentals will likely continue in the tourist destination that is Wisconsin.

Wisconsin Administrative Code for Tourist Rooming Houses

[https://docs.legis.wisconsin.gov/code/admin\\_code/atcp/055/72](https://docs.legis.wisconsin.gov/code/admin_code/atcp/055/72)

DATCP licenses and enforcement

[https://datcp.wi.gov/Pages/Programs\\_Services/TouristRoomingHouses.aspx](https://datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx)

[https://datcp.wi.gov/Pages/Programs\\_Services/TouristRoomingHouses.aspx](https://datcp.wi.gov/Pages/Programs_Services/TouristRoomingHouses.aspx)

How other municipalities are handling TRH

<https://summitcountyco.gov/CivicAlerts.aspx?AID=954>

<https://summitcounty.civilspace.io/en/projects/str-regulations-update>

Some information/"data" on crime and TRH

<https://thecrimereport.org/2021/08/06/is-there-a-link-between-airbnb-and-neighborhood-crime-rates/>

<https://www.inman.com/2019/07/01/short-term-rentals-concerns-survey/>

<https://news.northeastern.edu/2021/07/16/when-airbnbs-increase-in-a-neighborhood-so-does-crime-heres-why/>

<https://journals.plos.org/plosone/article?id=10.1371%2Fjournal.pone.0253315>

#### **66.1014 Limits on residential dwelling rental prohibited.**

(1) In this section:

- (a) "Political subdivision" means any city, village, town, or county.
- (b) "Residential dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

(2)

- (a) Subject par. (d), a political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer.
- (b) If a political subdivision has in effect on September 23, 2017, an ordinance that is inconsistent with par. (a) or (d), the ordinance does not apply and may not be enforced.
- (c) Nothing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling in a manner that is not inconsistent with the provisions of pars. (a) and (d).

(d)

1. If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days. The political subdivision may not specify the period of time during which the residential dwelling may be rented, but the political subdivision may require that the maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the person's residential dwelling shall notify the clerk of the political subdivision in writing when the first rental within a 365-day period begins.
2. Any person who maintains, manages, or operates a short-term rental, as defined in s. [66.0615 \(1\) \(dk\)](#), for more than 10 nights each year, shall do all of the following:
  - a. Obtain from the department of agriculture, trade and consumer protection a license as a tourist rooming house, as defined in s. [97.01 \(15k\)](#).
  - [66.1014\(2\)\(d\)2.b.](#) Obtain from a political subdivision a license for conducting such activities, if a political subdivision enacts an ordinance requiring such a person to obtain a license.

**History:** [2017 a. 59](#); [2021 a. 55](#), [240](#).



WISCONSIN

# SHORT-TERM RENTALS LAW

Incorporates changes from Wisconsin Act 59 from September 2017

## Residential Dwelling Rental

### Municipality

#### CAN:

1. Prohibit rentals for less than seven consecutive days
2. Limit total consecutive days they rent (180 days min.)
3. Require local permit

**CANNOT:** Prohibit rentals of 7-29 consecutive days

**"Residential dwelling"**: any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others

**"Short-term rental"**: a residential dwelling that is offered for rent for a fee and for fewer than 29 consecutive days

**"Lodging Marketplace"**: an entity that provides a platform through which an unaffiliated third party offers to rent a short-term rental to an occupant and collects the consideration for the rental from the occupant

**"DATCP"**: state Department of Agriculture, Trade & Consumer Protection; the agency responsible for lodging licenses, or their authorized local health agents

**"DOR"**: state Department of Revenue; the agency responsible for the collection of state tax revenue and for licensing lodging marketplaces

### Short-Term Rental on own

1. The property must obtain a DATCP license as a "tourist rooming house" (subject to fees, inspections) and obtain municipal permits as required.
2. The owner/operator of the property must register with the DOR for a license to collect taxes (if the total sales revenue is \$2,000 or more). They must then collect and remit state & county sales taxes, local room tax, and any applicable special district or premier resort area taxes.

### Short-Term Rental through registered Lodging Marketplace

1. The property must obtain a DATCP license as a "tourist rooming house" (subject to fees, inspections) and municipal permits as required.
2. The registered Lodging Marketplace collects and remits state & county sales taxes, local room tax, and any applicable special district or premier resort area taxes.

### Lodging Marketplace Requirements

1. If the Lodging Marketplace has nexus in Wisconsin, they must register with the state DOR for a license to collect taxes imposed by the state related to short-term rentals now and to collect municipal room tax. Remote (out-of-state) sellers are deemed to have nexus if they sell taxable products and services from Wisconsin. There is a "small seller exception" for remote sellers who do NOT have annual sales into Wisconsin of more than \$100,000 OR 200 or more separate transactions annually.
2. Collect from buyer and remit to DOR sales and use taxes.
3. If rental is in a municipality with a room tax, collect from buyer and remit room tax to the municipality.
4. Notify short-term rental owners that above taxes were collected and remitted on the sales.

provided by:



Wisconsin Hotel & Lodging Association | 1025 S. Moorland Road, Ste. 200, Brookfield, WI 53005  
262/782-2851 | [WisconsinLodging.org](http://WisconsinLodging.org)  
Contact: Trisha A. Pugal, CAE, President/CEO | [pugal@wisconsinlodging.org](mailto:pugal@wisconsinlodging.org)  
**REVISED FEBRUARY 2019**



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## ***Sauk County Ordinance***

### ***SUBCHAPTER I. GENERAL PROVISIONS***

#### **Sec. 29.001. Effective date.**

This ordinance shall become effective upon its adoption by the Sauk County Board of Supervisors.

#### **Sec. 29.002. Purpose.**

The purpose of this ordinance is to protect and improve the public health, safety, welfare, and environment of the people and communities of Sauk County, and to authorize the Sauk County Health Department to become the designated agent of the State of Wisconsin Department of Agriculture, Trade, and Consumer.

Protection for the purpose of establishing license fees, issuing licenses, collecting samples, inspecting and investigating food service establishments, hotels, motels, bed and breakfasts, tourist rooming houses, campgrounds, recreational and educational camps, public pools, inspecting food vending machines, and enacting local regulations governing these establishments.

#### **Sec. 29.003. Interpretation.**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Sauk County, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or other County ordinance.

#### **Sec. 29.004. Authority.**

This ordinance is adopted pursuant to the authority granted by law including Wis. Stats. ch. 68 and Wis. Stats. §§ 66.0119, 66.0417, 97.41, 97.67, 125.68(5), 251.04(3), and Wis. Admin. Code chs. ATP 72, 73, 74, 75, 76, 78, 79, and as further updated or modified by law.

### ***SUBCHAPTER II. DEFINITIONS***

#### **Sec. 29.005. Word usage.**

For the purposes of this chapter, certain words and terms are used as follows:

- (1) Words used in the present tense include the future.
  - (2) Words in the singular include the plural.
  - (3) Words in the plural include the singular.
  - (4) The word "shall" is mandatory and not permissive.
  - (5) Words and phrases not defined in this subchapter shall be construed according to common and approved usage, but technical words and phrases and others that have a peculiar meaning shall be construed according to the peculiar meaning unless such construction would produce a result inconsistent with the manifest intent of this ordinance.
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## **Sec. 29.006. Definitions.**

For the purposes of this chapter, all definitions as set forth in Wis. Stats. chs. 68, 97, 125, 251 and Wis. Stats. §§ 66.0119, 66.0417, and Wis. Admin. Code chs. ATP 72, 73, 74, 75, 76, 78, 79, are incorporated in this chapter by reference and they shall be construed, read and interpreted as fully set forth herein until amended and then shall apply as amended. Additional words and terms are defined as follows:

*Board of Health* means the Sauk County Board of Health.

*County* means Sauk County, Wisconsin.

*Health Department* means the Sauk County Health Department.

*Health Director* means the Director of the Health Department.

*Health Officer* means a public official charged with the administration, enforcement, and interpretation of the Sauk County Food Safety and Recreational Licensing Ordinance.

*Inspection fee* means the fee to conduct an inspection without the intent of licensing an establishment.

*License* refers to a document issued to operate a facility as defined by this ordinance.

## ***SUBCHAPTER III. PROCEDURES AND ADMINISTRATION***

### **Sec. 29.007. Responsibilities and powers.**

- (1) *General Provisions.* If any city or village becomes an agent under Wis. Stats. ch. 97, then the provisions of this ordinance shall not apply in that jurisdiction.
- (2) *Responsibilities of health officers or designees.* To ensure compliance with the purpose, requirements, and intent of this ordinance, and of Wisconsin Statutes and Codes.
- (3) *Powers.* The health officer or designee shall have all the powers necessary to enforce the provisions of this ordinance.

### **Sec. 29.008. Application.**

Application for new licenses and renewal licenses shall be filed with the Health Department on forms developed and provided by the Health Department, as required by the applicable state regulations adopted by reference. In accordance with Section 29.013 of this ordinance, the Health Department shall either approve or deny the application within 30 days after receipt of a complete application.

### **Sec. 29.009. Fees.**

- (1) All fees are established by and may be amended by the Sauk County Board of Health. The fee schedule will be on file with the Sauk County Health Department.
- (2) If a mobile or temporary unit with a current license from the State of Wisconsin is operating in Sauk County, an inspection for food safety practices will be conducted once per licensing year and an inspection fee assessed.

### **Sec. 29.010. Licensing.**

The issuance of licenses shall be governed by this ordinance and applicable state regulations as adopted by reference.

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### **Sec. 29.011. Public display of licenses.**

Every establishment required to obtain a license pursuant to this ordinance shall prominently display the license at all times in a conspicuous, public place.

### **Sec. 29.012. Enforcement.**

- (1) The provisions of this ordinance shall be enforced by employees of the Sauk County Sheriff's Department, the Sauk County Health Department, the designees of these departments, or other persons authorized by the Board of Supervisors. Non-compliance with the ordinance or with a temporary order from the health officer or designee shall be cause for enforcement action under this section of this ordinance.
- (2) This ordinance may be enforced by citation or civil forfeiture and the Sauk County Corporation Counsel is authorized to prosecute violations of this ordinance. Any person, business, corporation, property owner, or other entity violating this ordinance may be issued a citation in which case punishment shall occur for forfeiture provided in Sauk County Code Chapter 20. Failure to pay penalties in accordance with this ordinance may result in imprisonment in the Sauk County Jail.
- (3) An authorized agent of the Health Department shall be permitted to enter the public facility at any time in order to ensure that the provisions of this ordinance are being met. If violations are found, an order to correct shall be given to the owner or operator, in writing, noting specific changes that must be made in order to bring the facility into compliance. The order shall set forth the time period by which corrections must take place. In accordance with Section 29.013 of this ordinance, failure to correct may result in suspension of the establishments license to operate, and may invoke the penalty provisions of this ordinance.

### **Sec. 29.013. Denial, suspension, or revocation of license.**

The health officer may deny any license application or suspend or revoke any license issued under this ordinance for noncompliance with this ordinance and regulations, rules, and laws adopted by reference under this ordinance. The procedures enumerated by statute and regulation adopted by reference shall be followed in the denial, suspension, or revocation of any permit issued under this subchapter.

### **Sec. 29.014. Violation and penalties.**

- (1) Any person who violates and refuses to comply with any provision of this ordinance shall be subject to a citation and respective forfeiture as established in Sauk County Code Chapter 20 for each offense. The health officer or authorized representative may issue citations using the standard citation form used by Sauk County. Citations may be served in person or sent by certified mail. The health officer may also, or alternatively, revoke or amend any applicable permit. Each day a violation exists or continues shall be considered a new and separate offense.
- (2) The Sauk County Corporation Counsel may seek enforcement of violations of this ordinance in Sauk County Circuit Court or any other court of competent jurisdiction. A court may enforce this ordinance through injunctive relief.
- (3) Any person or entity violating this ordinance, or any rule promulgated in this subchapter or incorporated by reference, shall forfeit not less than \$25.00 per day and not more than \$200.00 per day for each violation. Each day that a violation exists shall constitute a separate offense.
- (4) Forfeitures are exclusive of any fees or costs imposed pursuant to the Wisconsin Statutes.

## ***SUBCHAPTER IV. HOTELS, MOTELS, AND TOURIST ROOMING HOUSES***

### **Sec. 29.015. Applicability.**

The provisions of this subchapter shall apply to operator of any hotel, motel, or tourist rooming house in both the incorporated or unincorporated areas of Sauk County.

### **Sec. 29.016. Regulations, rules, and laws adopted by reference.**

The applicable laws, rules, and regulations as set forth in Wis. Stats. chs. 68, 97 and Wis. Stats. § 66.0417, and Wis. Admin. Code ch. ATP 72, are incorporated in this regulation by reference and they shall be construed, read, and interpreted as fully set forth in this ordinance until amended, and then shall apply as amended. The expressed provisions of this ordinance shall control where more restrictive.

### **Sec. 29.017. Non-compliance.**

Non-compliance with the provision of this ordinance, Wis. Stats. ch. 97, and Wis. Admin. Code ch. ATP 72, will be cause for enforcement under Subchapter III of this chapter.

### **Price County**

#### ☐ § 530-69 **Short-term rentals.**

[Added 4-21-2013 by Res. No. 23-13]

In order to have fair and consistent regulation of all short-term rentals of single-family residences, all short-term rentals must have a valid conditional use permit and shall adhere to the provisions as follows:

- A.** A permanent sign with black lettering and a white background measuring at least 16 inches by 16 inches shall be posted on the property on which there is a short-term rental in a location that is legible from a public road that contains the information as follows: the name(s) of the individual(s) who own(s) the property or the name of the business that manages the rental and a current phone number to contact the respective individual(s).
  - B.** Each rental must adhere to state regulations in collecting all applicable state and local taxes.
  - C.** Each rental must comply with all County ordinances, state laws, state statutes, state administrative rules, and federal regulations.
  - D.** Each rental must adhere to Wisconsin Department of Health Services requirements.
  - E.** Each rental must submit to the Price County Zoning Department an inspection report issued by a Wisconsin licensed plumber as proof of a compliant septic system prior to permit issuance.
  - F.** Each rental must list the maximum number of renters in the conditions.
  - G.** Failure to adhere to the provisions established in this section may result in the action of the Price County Land Use and UW Extension Committee terminating the conditional use permit for the parcel upon which noncompliance has been documented.
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# Short-Term Rentals

Remzy Bitar, Attorney, Municipal Law & Litigation Group, S.C.

As short-term rentals (STRs) such as Airbnb and VRBO become more popular, local governments face classic issues associated with the influx of new uses that can create adverse side effects for the community. Some communities welcome the trend; others do not. For those questioning STRs, two competing interests arise: NIMBY versus “fundamental right to unfettered use of my property.” For unprepared communities, residential zoning and other public and private land use controls do not adequately address this growing trend. Some communities have tried to adopt amendments to their zoning ordinances to expressly restrict and/or regulate short-term rentals, but those amendments have fallen flat in court.

Seeking to address the competing interests, the Legislature created Wis. Stat. § 66.1014 in the 2017 WI Act 59, Biennial Budget Act. The statute contains one relevant definition for “residential dwelling” (“any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others”).<sup>1</sup>

Section 66.1014 has several features of note.

First, municipalities cannot prohibit STRs for 7 consecutive days or longer, referred to here as the “prohibition” provision.<sup>2</sup>

Second, the Legislature addressed regulation of the “durational” aspects of

STRs. If a residential dwelling is rented for periods of more than 6 but fewer than 29 consecutive days, a municipality may limit the total number of days within any consecutive 365-day period to no fewer than 180 days and may require those maximum days to run consecutively. However, it may not specify the period of time during which the residential dwelling may be rented, such as requiring rentals stretch over winter.<sup>3</sup>

Third, the Legislature unambiguously retained local power – “[n]othing in this subsection limits the authority of a political subdivision to enact an ordinance regulating the rental of a residential dwelling...”<sup>4</sup> That section leaves local government free to regulate other aspects of STRs in a manner that is “not inconsistent” with the prohibition or durational provisions noted above. Significantly, “[a]ny person who *maintains, manages, or operates*” an STR “shall” obtain a local license, if required by local ordinance.<sup>5</sup>

Fourth, there are non-textual aspects to § 66.1014. The Legislature did not place the law under the city and village zoning enabling statute, Wis. Stat. § 62.23. Moreover, when the Legislature wants to completely regulate an industry and preclude or limit the ability for local regulation, it does so clearly. The Legislature did only two things with this statute: removing the power to prohibit STRs and setting durational provisions on the “total number of days.” Of all the other areas the Legislature could have withdrawn from local government (other than taxation, not discussed here), the Legislature did not address such areas but allowed local control and

licensing. The Legislature’s treatment of STRs stands in stark contrast to the Legislature’s sweeping removal of local power elsewhere, such as cellular tower regulation, wind farms, livestock siting operations, concealed carry, conditional uses, shoreland zoning and alcohol. In these areas, and many others, the Legislature’s regulatory framework has various and extensive subject matter components that are expressly meant to curtail local power.

Until recently, no Wisconsin court had addressed this statute. Just last month, in *Good Neighbors Alliance (GNA) v. Town of Holland*, Case No. 2019CV000269, the Sheboygan County Circuit Court, the Honorable Edward Stengel presiding, issued a decision of first impression in this state, specifically addressing various aspects of Holland’s STR ordinance that were specifically designed to address local concerns, harmonize the statute and address the pre-suit complaints and demands of the plaintiffs. The Town Board worked hard to draft an Ordinance that satisfied competing concerns, followed § 66.1014 and Wis. Admin. Code § ATCP 72 (administrative rules “tourist rooming houses” such as STRs) and could withstand judicial scrutiny.

GNA’s primary claim asserted the statute created a preemptive effect on local regulation, enshrining the right to free and unrestricted use of one’s property. They argued STRs involve private use of homes, not commercial activity. The court, however, found that the Legislature preserved local power due to carve-outs in the statute and that the Town acted comfortably within its powers.



GNA attacked specific features of Holland's Ordinance as conflicting with § 66.1014, such as:

- **Property Manager:** "Unless the Property Owner resides within thirty-five (35) miles of the short-term rental property, a local Property Manager must be designated for contact purposes and his or her name must be included in the application filed with the Town Clerk. The local Property Manager must reside within thirty-five (35) miles of the short-term rental property and must be available at all times the property is rented. The Property Owner must notify the Town Clerk within three (3) business days of any change in the Property Manager's contact information for the short-term rental and submit the revised contact information to the Town Clerk within the same time period."
- **Insurance:** "The Property Owner shall have and maintain homeowner's liability or business liability insurance for the premises that are used for short-term rental and shall provide written evidence of such insurance with the license application and renewal application forms."
- **Property diagram with application:** "A diagram drawn to scale showing the location of buildings and the on-site, off-street parking area(s) designated for tenants and invitees on the premises."
- **Revocation for Unpaid Fees, Taxes, Or Forfeitures or For Any Violation of State or Local Laws:** "A license may be revoked by the Town Board during the term of a License Year and following a due process hearing for one or more of the following reasons: (1) Failure by the licensee to make payment of delinquent fees, taxes, special charges, forfeitures or other debt owed to the Town. (2) Failure to maintain all required local, county and state licensing requirements.

(3) Any violation of local, county or state laws or regulations which, based upon their number, frequency and/or severity, and their relation to the short-term rental property, its owner(s), tenant(s), occupant(s) or visitor(s), substantially harm or adversely impact the predominantly residential uses and nature of the surrounding neighborhood."

- **One On-Site, Off-Street Parking Space:** "Not less than one (1) on-site, off-street parking space shall be provided for every four (4) occupants, based upon maximum occupancy."
- **Forfeitures:** "Any person who violates any provision of this chapter shall be subject upon conviction thereof to a forfeiture of not less than \$250 nor more than \$750 for each offense, together with the costs of prosecution, and in the event of default of payment of such forfeiture and costs shall be imprisoned in the Sheboygan County Jail until such forfeiture and costs are paid, except that the amount owed is reduced at the rate of \$25 for each day of imprisonment and the maximum period of imprisonment is 30 days. Each violation and each day a violation occurs or continues to exist shall constitute a separate offense."

With STRs, there are many side-effects related to the health, safety, and welfare of the public. The goal is to allow such use of the property for rentals yet protect the interests and quality of life for long-term residents. The interests being served include: preserving the character of a neighborhood; eliminating nuisances like noise, parking, and trash problems; ensuring building safety; over-occupancy; and responsiveness to neighbor complaints. Such concerns arose in the town of Holland, where it received complaints over a significant period of time, often occurring weekly during the summer months. Complaints of adverse

impacts caused by STR properties in the town of Holland included lewd behavior, unsafe fires on the beach, dogs running at large, excessive noise, trash left on the beach, traffic and RVs along narrow lake roads, and trespassing. One such trespassing event involved the complainant arriving home at night to find renters from a nearby property in the complainant's hot tub.

The town carefully considered its proposed ordinance over the course of several months, including several drafts to balance the Legislature's new statute, preservation of residential property rights and the local interests in protecting the public health, safety, and welfare. After passage of the Ordinance, GNA sought total repeal. The town passed an amended ordinance accomplishing the following:

- the elimination of any restriction on the number of days a property may be rented,
- elimination of restrictions on outdoor events on rental properties,
- elimination of minimum levels of insurance coverage,
- added a provision to allow short-term rental licensure by the town to proceed with evidence that a Wisconsin tourist rooming house license has been applied for rather than actually received,
- removed the requirement for property managers to be licensed with the town,
- removed insurance requirements for property managers,
- documented the appeal steps and procedures for licensure decisions,
- clarified the vehicle restrictions,
- removed annual building and fire inspections requirement,

- removed requirement to provide a property management agreement,
- removed town access to property without consent or inspection warrant,
- removed minimum bathroom requirement, and
- lowered the maximum forfeiture amount.

The Sheboygan Circuit Court found local government can regulate within the same field as § 66.1014 so long as it does not conflict. Due to its careful development of the STR ordinance, Holland survived four-factor preemption analysis and its ordinance was upheld.<sup>6</sup>

Any community desiring such an ordinance should consult with its legal counsel and should also determine if the Holland case has been reviewed by the Court of Appeals.

## Licensing and Regulation 403

### About the Author:

Remzy Bitar is an attorney with the Municipal Law & Litigation Group, S.C. and has been practicing in the area of Municipal and Civil Rights Litigation Defense for over 17 years. Remzy handles all aspects of such litigation in both state and federal court including trial and appeals. His experience ranges

from defending civil rights lawsuits against jails and law enforcement, to handling condemnation, zoning and other land use matters, to open records and open meetings law, and to the defense of municipalities and their officials and employees in the areas of First Amendment, Fourth Amendment, and Equal Protection and Due Process.

Remzy began his legal practice after college at Lawrence University, law school at Washington University School of Law in St. Louis, and then completed a judicial clerkship with the Supreme Court of Missouri for the Honorable Laura Denvir Stith. Contact Remzy at [rbitar@ammr.net](mailto:rbitar@ammr.net)

1. § 66.1014(1)(b).  
2. § 66.1014(2)(a).  
3. § 66.1014(2)(d)1.

4. § 66.1014(2)(c).  
5. § 66.1014(2)(d) & (2)(d)2b.  
6. *Wisconsin Carry, Inc. v. City of Madison*, 2017 WI 19, 373 Wis.2d 543, 892 N.W.2d 233.

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vision to reality

## **ORDINANCE № 293-032322**

### **CREATING SECTIONS 18.51 TO 18.58 OF CHAPTER 18 OF THE MUNICIPAL CODE FOR THE VILLAGE OF SISTER BAY CONCERNING SHORT-TERM RENTAL RESIDENTIAL DWELLINGS**

WHEREAS, the Village of Sister Bay desires to balance the interests of property owners to use their property as short term rentals ["STR" or "STRs"], while balancing the interests of residents who seek to protect the quality of life and the character and stability of their neighborhood; and

WHEREAS, the issuance of short-term rental permits is to ensure the quality and nature of Short-term rentals operating in a Residential Dwelling in a Residential District within the Village of Sister Bay ("Village") by establishing minimum standards and determining the responsibilities of owners, agents, and property managers offering properties for tourists and transient occupants, to protect the character and stability of neighborhoods within the village, and provide for the administration and enforcement thereof; and

WHEREAS, any short-term rental shall not adversely affect the residential character of the neighborhood, nor shall the use generate noise, vibration glare, odors, or other effects that unreasonably interfere with any person's enjoyment of their residence.

NOW, therefore, the Village Board does hereby ordain as follows:

#### **Section 1 – State Statutes Adopted – Authority**

The Village Board adopts this ordinance under its general village powers authority and §66.1014 and §61.34 of the Wisconsin Statutes.

#### **Section 2 – Availability for Public Inspection**

A copy of this ordinance shall be permanently on file and open to public inspection in the Office of the Village Clerk after its enactment and for a period of not less than two (2) weeks before its enactment.

#### **Section 3 – Article IV, Sections 18.51 – 18.58 of the Municipal Code for the Village of Sister Bay, is hereby created and shall read:**

##### **Section 18.51 License Required**

No person may own, manage, or operate a short-term rental within the R-1, R2, or R-3 Zoning Districts for even one (1) night each year without a Village Short-term Rental license issued pursuant to this ordinance.

##### **Section 18.52 Definitions**

- A. "BTR" means Department of Revenue Business Tax Registration number.
- B. "DATCP" means Wisconsin Department of Agriculture Trade and Consumer Protection.
- C. "DCTZC" means Door County Tourism Zone Commission.

- D. "POWTS" means Private On-Site Wastewater Treatment System.
- E. "Property Owner" means the person or entity who owns the residential dwelling that is being rented.
- F. "Resident Agent" means a person or an entity who is not the Property Owner and who is authorized to act as the agent of the Property Owner for the receipt of service of notice and remedy of municipal ordinance violations and for service of process pursuant to this ordinance.
- G. "Residential Dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
- H. "STR (Short Term Rental)" means a dwelling unit in which sleeping accommodations are offered for pay to tourists or transients for periods of less than 30 days.
- I. "Tourist Rooming House" means a dwelling unit in which sleeping accommodations are offered for pay to tourists or transients for periods of less than 30 days.
- J. "Un-hosted" means the owners of the property are not on premise during the rental.

#### Section 18.53 – License Application

- A. Licenses shall be issued using the follow procedures:
  - 1. All applications for a Short-term Rental license shall be filed with the Village Clerk on forms provided. Applications must be filed by the Property Owner or authorized Agent. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.
  - 2. All applications for a STR license shall include a copy of the current inspection report completed by DATCP.
  - 3. The Village Clerk shall issue a Short-term Rental license to all applicants following payment of the required fee, receipt of all completed documentation and information requested by the application, and approval by the village board or its designee.
  - 4. A Short-term rental license shall be effective for one year and may be renewed for additional one-year periods. The annual licensing term begins July 1<sup>st</sup> and ends on June 30<sup>th</sup> of the following year.
  - 5. The application process will open on March 1<sup>st</sup>. A fully completed application or renewal application and fee must be filed with the Village Clerk at least forty-five (45) days prior to the license expiration so that the village board, or its designee, has adequate time to consider the application. A renewal application shall include any updated information since the filing of the original application.
  - 6. Any changes in ownership of the property requires a new license per Wisconsin Administrative Code State Statute 72.04(b) prior to obtaining a permit from the Village.
  - 7. An owner may apply for a new license no less than 12 months after being revoked (see "Revocation" and "Penalties" sections below.)
  - 8. The village board may suspend, revoke, reject, or not-renew a Short-term Rental license or license application following a due process hearing if the board determines that the licensee has had violations of B1, B2, B3, B4, B5, B6 under Section 18.55, has been notified by telephone and email of such a breach and has left breach uncured for a period of 24 hours following notification from the village.

The village board may suspend, revoke, reject, or not renew a Short-term Rental license or license application following a due process hearing if the board determines that the licensee has had violations of B7, B8, B9, C, D, R, F, under Section 18.55, has been notified by telephone and email of such a breach, and has left breach uncured for a period of fourteen (14) days following notification from the village.

- a) has had two violations at the property in the last 12 months;
- b) failed to comply with any of the requirements of this ordinance;
- c) has been convicted or whose Resident Agent or renters have been convicted of engaging in illegal activity while on the Short-term Rental premises on one (1) occasion within the past twelve (12) months;
- d) has outstanding fees, taxes, or forfeitures owed to the village.

9. Property owners shall be permitted no more than seven (7) calendar days to correct discrepancies in the application before it is deemed late or ineligible for renewal.

#### Section 18.54 Permit Process

Each Short-term Rental shall comply with all the following requirements:

- A. The Village application shall be completed in its entirety.
- B. Each rental must register with the State of Wisconsin as a business and receive a Business Tax Registration number (BTR) unless they have contracted with a Resident Agent.
- C. Each rental application will be shared with the Village of Sister Bay's assessor for personal property tax assessment.
- D. Each Short-term Rental shall hold a valid State of Wisconsin Tourist Rooming House License issued by the Department of Agriculture, Trade and Consumer Protection (DATCP), and shall provide proof of such license by attaching a copy to the initial license application.
- E. Each Short-term Rental shall be licensed by the Door County Tourism Zone Commission (DCTZC) and shall provide proof of such license by attaching a copy to the initial license application.

#### Section 18.55 – Operation of a Short-Term Rental

- 1. Every STR shall be operated by a property owner or resident agent.
- 2. Each Short-term Rental shall comply with all the following requirements:
  - a) Any short-term rental shall be defined by the Village of Sister Bay Zoning Code definition of Dwelling Unit. This ordinance prohibits the use of any structure not qualified as a dwelling unit.
  - b) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted on site as a means of providing additional accommodations for paying guests or other invitees.
  - c) If the property is served by a private onsite wastewater treatment system (POWTS), the occupancy is limited to the number of occupants for which the POWTS was designed. The POWTS must be in full compliance with this Ordinance and serve the property in accordance with Chapter 21 of the Door County Code.

- d) Sufficient off-street parking shall be available to accommodate all vehicles on the Short-term Rental premises. Off-street parking shall comply with the Sister Bay Zoning Code, Chapter 400. On-street parking for renters of the Residential Dwelling is Prohibited.
- e) Pets that accompany a renter are subject to the Sister Bay Municipal Code, Chapter 10, with the following additional requirements:
  - (a) Pets must be under the control of their owner and on a leash when outside the dwelling. Pets may be tethered securely to a leash or pulley-run on the premises, provided that the tethered pet is at least ten (10) feet inside the premises lot line.
  - (b) Pet owners must adhere to minimizing pet noise, independent of whether the pet is inside or outside the dwelling.
- f) Any outdoor event held at the Short-term Rental shall last no longer than one day occurring between the hours of 10 AM and 10 PM. From 10 PM to 10 AM quiet hours shall be enforced. All activities shall comply with the Village noise ordinance.
- g) All STR's must be able to accommodate reliable telephone communications in case of emergency.
- h) All STR's must follow state and federal antidiscrimination regulations.
- i) Un-hosted STR's shall be categorized as public accommodations under Title II of the 1964 Civil Rights Act.
- j) The Property Owner must reside within thirty (30) miles of the Short-term Rental during periods in which the Short-term Rental is rented.
  - 1. This requirement may be waived if there is a valid Resident Agent (point of contact) located within thirty (30) miles of the Short-term Rental, in such a case, the Property Owner shall provide a copy of the Resident Agent contract to the Village and notify the Village within thirty (30) days of termination of any such contract.
  - 2. To qualify as a Resident Agent the representative must reside within Door County or be a corporate entity with offices located in Door County.
- k) The Property Owner and/or Resident Agent must provide the village with current contact information and must be available twenty-four (24) hours a day.
- l) The Property Owner and/or Resident Agent must provide the following information to neighboring residential property owners located within a 300-foot radius of the Short-term Rental dwelling property in all directions no later than seven (7) days from the date the rental dwelling permit is issued or any time the Property Owner/Resident Agent contact information changes:
  - 1. Telephone and email address to enable neighboring residential property owners or Village personnel to contact the Property Owner or Resident Agent twenty-four (24) hours a day, seven (7) days a week regarding disturbances or issues arising in connection with the rental of a Residential Dwelling.
  - 2. Provide a copy of property rules that is provided to renters.
  - 3. Provide their DATCP license number.
- m) The Property Owner shall include the following Property Rules information in the online web listing house rules or equivalent page for their rental property:
  - a. Maximum number of off-street parking spaces.
  - b. Quiet hours of 10 PM to 10 AM.



- c. Fireworks strictly prohibited.
- d. Pets must be leashed.

#### Section 18.56 - Property Rules

A copy of the State of Wisconsin tourist rooming house license, Door County Tourism Zone Good Neighbor Policy, and the Village STR license shall be posted on the property. A list of property rules must be posted at the Short-term Rental property, provided to the guests, and a copy submitted with the application for a license. Property rules must contain the minimum information:

- (a) The name, phone number and address of the Property Owner or Resident Agent.
- (c) A diagram of the property identifying the property lines and the location of off-street parking, including the maximum number of off-street parking spaces provided for renters.
- (d) Quiet hours of 10 PM to 10 AM.
- (e) Fireworks are strictly prohibited.
- (f) Pet policy: Leash requirements, noise.
- (g) The trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash or refuse on the exterior of the property.
- (h) Outdoor burning regulations.
- (i) Notification that the occupant may be cited or fined by the Village or immediately evicted by the Property Owner or Resident Agent, in addition to any other remedies available at law, for violating any provisions of this ordinance.

#### Section 18.57 – Revocation Process and Penalties

A. Forfeiture. The owner of any property, whether a person, partnership, corporation, limited liability company, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction or admission, pay a forfeiture of not less than \$500.00 nor more than \$1000.00 for the first offense, a forfeiture of not less than \$1000.00 nor more than \$2000.00 for the second offense, and a forfeiture of not less than \$2500.00 nor more than \$5000.00 for the third and subsequent offenses, plus the applicable surcharges, assessments, and costs including legal fees and costs of prosecution for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.

B. Suspension, Revocation or Nonrenewal. Upon violation, the Village, at its sole discretion, shall:

1. Notify the owner of the property of noncompliance by email and telephone;
2. Summarily suspend the STR License, with written notice to the Owner;
3. Determine if the owner has remedied the violation and shall schedule a license revocation hearing, before the Village Board, if the violation is not remedied immediately.
4. Provide the opportunity to the Owner to have a hearing on the matter before the Village Board with an effort to provide notification to property owners within 300-feet of the property and allow them to provide oral or written testimony.
5. Determine that the STR License shall, or not, be revoked.
6. Elect to non-renew an STR License for the following year.

7. Shall, in all events, provide notice of any ~~its~~ decision in writing to the Owner.

Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement of costs whether existing under this ordinance or otherwise.

#### Section 18.58 – Fees

License fees shall be established by the Village Board in a fee schedule and may, from time to time, be modified. The fees shall be related to costs involved in processing license applications, reviewing plans, conducting inspections, ordinance compliance and documentation. Fees are nonrefundable and shall not be prorated.

Annual Village STR application -----\$500.00  
Late fee-----\$100.00

#### Section 4 – Severability.

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

#### Section 5 – Effective Date.

This ordinance shall take effect upon adoption and publication as required by law.

VILLAGE OF SISTER BAY

By: 

Rob Zoschke, President

ATTEST:

  
Heidi Teich, Village Clerk

Date Introduced: 3-23-2022

Date Adopted: 3-23-2022

Publication Date: 3-31-2022

Ayes 5

Nays 2

Zoning

**Michael Bindl**      **90%**      **Zoning**      **10%**      **Land Records Grant**

		Annual Hours	Hourly Rate		Employee (EE)	Employer (ER)	Zoning	Land Records	Check	
2023 Annual Salary		2080	32.07			<b>\$66,705.60</b>	60,035.04	6,670.56	-	*4.5% increase
FICA	7.65%					<b>\$5,102.98</b>	4,592.68	510.30	-	
Retirement-EE	6.80%				\$4,535.98					
Retirement-ER	6.80%					<b>\$4,535.98</b>	4,082.38	453.60	-	
Health Ins-EE	12.00%	\$2,161.89	12		\$3,113.12					
Health Ins-ER	88.00%	\$2,161.89	12			<b>\$22,829.56</b>	20,546.60	2,282.96	-	
Dental Ins-EE	50.00%	\$104.77	12		\$628.62					
Dental Ins-ER	50.00%	\$104.77	12			<b>\$628.62</b>	565.76	62.86	-	
Life Ins-EE	100.00%	\$7.44	12		\$89.28					
Life Ins-ER	20.00%	\$7.44	12			<b>\$17.86</b>	16.07	1.79	-	
HRA						<b>\$2,000.00</b>	1,800.00	200.00	-	
Total					\$8,367.00	<b>\$101,820.60</b>	91,638.53	10,182.07	-	

**Lynn Newkirk**      **40%**      **Zoning**      **60%**      **Land Records Grant**

		Annual Hours	Hourly Rate		Employee (EE)	Employer (ER)	Zoning	Land Records	Check	
2023 Annual Salary		2080	23.18			<b>\$48,214.40</b>	19,285.76	28,928.64	-	*4.5% increase
FICA	7.65%					<b>\$3,688.40</b>	1,475.36	2,213.04	-	
Retirement-EE	6.80%				\$3,278.58					
Retirement-ER	6.80%					<b>\$3,278.58</b>	1,311.43	1,967.15	-	
Health Ins-EE	12.00%	\$2,161.89	12		\$3,113.12					
Health Ins-ER	88.00%	\$2,161.89	12			<b>\$22,829.56</b>	9,131.82	13,697.74	-	
Dental Ins-EE	50.00%	\$104.77	12		\$628.62					
Dental Ins-ER	50.00%	\$104.77	12			<b>\$628.62</b>	251.45	377.17	-	
Life Ins-EE	100.00%	\$25.65	12		\$307.80					
Life Ins-ER	20.00%	\$25.65	12			<b>\$61.56</b>	24.62	36.94	-	
HRA						<b>\$2,000.00</b>	800.00	1,200.00	-	
Total					\$7,328.12	<b>\$80,701.12</b>	32,280.44	48,420.68	-	

**Jackie Nix**      **90%**      **Zoning**      **10%**      **Land Records Grant**

		Annual Hours	Hourly Rate		Employee (EE)	Employer (ER)	Zoning	Land Records	Check	
2023 Annual Salary		2080	\$ 19.80			<b>41,184.00</b>	37,065.60	4,118.40	-	*4.5% increase

FICA	7.65%					<b>3,150.58</b>
Retirement-EE	6.80%				2,800.51	
Retirement-ER	6.80%					<b>2,800.51</b>
Health Ins-EE	12.00%	2,161.89	12		3,113.12	
Health Ins-ER	88.00%	2,161.89	12			<b>22,829.56</b>
Dental Ins-EE	50.00%	104.77	12		628.62	
Dental Ins-ER	50.00%	104.77	12			<b>628.62</b>
Life Ins-EE	100.00%	16.77	12		201.24	
Life Ins-ER	20.00%	16.77	12			<b>40.25</b>
HRA						<b>2,000.00</b>
Total					6,743.49	<b>72,633.52</b>

2,835.51	315.06	0.01
2,520.46	280.05	-
20,546.60	2,282.96	-
565.76	62.86	-
36.22	4.03	-
1,800.00	200.00	-
65,370.15	7,263.36	0.01

Zoning	
Salary	116,386.40
FICA	8,903.55
Retirement	7,914.27
Health Insurance	50,225.02
Dental Insurance	1,382.97
Life Insurance	76.91
HRA	4,400.00
GRAND TOTAL	\$189,289.12

check -

Per Diems (amount given from department head):  
FICA for Per Diems (7.65%):  
*this total included in FICA totals*

**\$1,080.00**  
\$82.62

Land Records Grant	
Salary	39,717.60
FICA	3,038.40
Retirement	2,700.80
Health Insurance	18,263.66
Dental Insurance	502.89
Life Insurance	42.76
HRA	1,600.00
GRAND TOTAL	\$ 65,866.11

check -

Per Diems (amount given from department head):  
FICA for Per Diems (7.65%):  
*this total included in FICA totals*

**\$1,080.00**  
\$82.62

FICA	7.65%					3,150.58	2,835.51	315.06	0.01
Retirement-EE	6.80%				2,800.51				
Retirement-ER	6.80%					2,800.51	2,520.46	280.05	-
Health Ins-EE	12.00%	2,161.89	12		3,113.12				
Health Ins-ER	88.00%	2,161.89	12			22,829.56	20,546.60	2,282.96	-
Dental Ins-EE	50.00%	104.77	12		628.62				
Dental Ins-ER	50.00%	104.77	12			628.62	565.76	62.86	-
Life Ins-EE	100.00%	16.77	12		201.24				
Life Ins-ER	20.00%	16.77	12			40.25	36.22	4.03	-
HRA						2,000.00	1,800.00	200.00	-
Total					6,743.49	72,633.52	65,370.15	7,263.36	0.01

Zoning	
Salary	116,386.40
FICA	8,903.55
Retirement	7,914.27
Health Insurance	50,225.02
Dental Insurance	1,382.97
Life Insurance	76.91
HRA	4,400.00
GRAND TOTAL	\$189,289.12

check -

Per Diems (amount given from department head): \$1,080.00  
 FICA for Per Diems (7.65%): \$82.62  
*this total included in FICA totals*

Land Records Grant	
Salary	39,717.60
FICA	3,038.40
Retirement	2,700.80
Health Insurance	18,263.66
Dental Insurance	502.89
Life Insurance	42.76
HRA	1,600.00
GRAND TOTAL	\$ 65,866.11

check -

Per Diems (amount given from department head): \$1,080.00  
 FICA for Per Diems (7.65%): \$82.62  
*this total included in FICA totals*

Sal 19,858.80  
 FICA 1,519.20  
 RET 1,350.40  
 H 9,131.83  
 D 251.45  
 L 21.38  
 L HRA 800.00  
 TOTAL 32,933.06

Sal 136,245.20  
 FICA 10,422.75  
 RET 9,264.67  
 H 59,356.85  
 D 1,634.42  
 L 98.29  
 HRA 5,200.00  
 Total 222,222.18

## Land Conservation Budgets

### General Fund

	2022	2023
<b>Fund 10</b>	\$ 160,990.37	\$ 159,448.98
Tax Levy	\$ 137,015.00	\$ 135,523.61
State aid	\$ 19,975.37	\$ 19,925.37
Fees	\$ 4,000.00	\$ 4,000.00

Increase in Salary and Fringe \$ 10,338.61  
Decrease in Rent \$ (11,376.00)  
No other increases in budget items from 2022 budget

### Conservation Planner/Technician

<b>Fund 72</b>	\$ 120,159.86	\$ 150,971.22
Tax levy	\$ 21,654.67	\$ 52,466.29
State Aid	\$ 98,504.93	\$ 98,504.93

Increase in Salary & Fringes \$ 30,811.62  
largely due to new employee  
possible health & dental insurance

### Watershed Fund 64- Mill Creek

Non-lapsing account. Will spend money out of that is  
in the account. Not asking for tax levy

### Soil Cost-sharing Fund 66

Money spent is strictly state money. No tax levy

### Nursery Stock fund 78

Money is from sale of trees. No tax levy

### Ash Creek Fund 79

Non-Lapsing. No tax levy. Money used is either from  
former timber sales or grants

### Wildlife Damage Fund 80

No tax levy. State money