

**Vernon County Zoning Committee Minutes
County Boardroom, 3rd Floor Courthouse**

January 17, 2019

Committee Members in attendance: Eric J. Evenstad – Chairman, Garrick Olerud, Kevin Larson, Will Beitlich and Roger Call.

Others in attendance: Vince Schmitz (UDC Inspector), Gail Muller (Co. Board Supervisor), were also present. Serena Inman (Personnel Director) joined the meeting at 9:00, Jerry Pedretti (Town Clerk Genoa), Jerry Kins (Assessor) Dennis Brault (Co. Bd. Chair), Darrell Clark (Co. Board Supervisor) and Ole Yttri (Co. Board Supervisor), 23 Amish Community Members (Attendance Roster Attached)

Evenstad brought the meeting to order at 8:35 a.m.

Proper public notice affirmed by Burkhamer.

Evenstad moved to move items 9 and 10 to the top of the agenda for closed session, second by Olerud with all in favor.

Beitlich moved to go into closed session, second by Larson with all in favor.

Olerud moved to return to open session, second by Larson with all in favor.

Under item 11 Beitlich moved to re-offer the Zoning Administrator position to the current candidate at a higher salary, second by Olerud. Discussion followed on what level to offer. Serena suggested that the offer not be higher than what is budgeted for current year.

Beitlich moved to amend his motion to offer currently budgeted salary to applicant, otherwise repost. 2nd Olerud with all in favor.

9:20 Motion to move to item 12 by Larson second by Olerud with all in favor.

Evenstad noted extra agenda pages are available for the audience noting that we are on item 12.

Evenstad thanked the Amish community for coming in today noting it provides the opportunity to lay on the table as to what the current codes are. Some of the elders sent a letter to Susan asking that we find some compromise on the POWTS ordinance. The Zoning Committee has discussed this at past meetings and are happy to discuss the issues with you (the Amish) today.

Burkhamer said the history of the septic law is to protect the ground water and public safety. Ground water includes both underground well water as well as surface water of the creeks and rivers.

Eric went on to describe the events of receiving the letter asking for a variance or waiver of the current ordinance from the Amish Community and explained the responsibility of the County is to hold up to those statutory requirements through the building code to have a legal septic system put in if there is going to be plumbing in the house. Burkhamer reiterated that all human wastewater need to go into a system to be properly treated. There is specific steps in the code that describe the soils and what the parameters are to have a proper system, not just a tank with a straight pipe to the surface or a self-installed system without the use of a soil evaluation. For a short period the legislative branch in Wisconsin created a religious waiver that did afford some relief to a verified religious community. In April 2018 Governor Walker rewrote the language of that waiver to make it clear the waiver was only applicable to plumbing inside a dwelling. The result is that any dwelling with plumbing creates domestic wastewater that must be dealt with by means prescribed under the law. Further, septic systems are required to be maintained (inspected and pumped) and this brings complaints from about every third Englishman regarding "what are the Amish doing?". Continuing on this path is setting up a wall between the English community and the Amish. Regarding Vince and the

building code, a sanitary permit is required prior to the issuance of a building permit. The result is that the Amish Community has chosen to ignore the need for a building permit and go forth with their building without a permit. Again, the English Community observes this and we are getting pushback stating if the Amish don't need permits neither do us (the English). This is creating a big social problem.

There are remedies in the law for adjusting the mechanism of a system or the sizing. But the English do not want to pay for a septic system any more than any other population.

Burkhamer noted that the code currently sizes systems based on the number of bedrooms in a house and assuming two people per bedroom, 75 gallons per person per day. There are mechanisms in the code allowing for appeal to the state to potentially reduce the size of a system. It is a process and it does cost a little more. In all instances, if a landowner wishes to modify a system (other than the "cookie cutter" rules), it has to be reviewed by someone at the state and there are additional fees that go along with that process. The County is only allowed to review and approve in-ground systems that adhere to the rules without variance. Questions were posed by folks in the audience and Burkhamer asked that they come to the table so that the conversation may be easier.

Chris Borntreger and Melvin Hershberger joined the committee at the meeting table. Borntreger expressed concern about the mechanics of a mound system.

Evenstad said it is important in the planning process to put things in the right order. This is why a sanitary permit is required before a building permit may be issued so that size, location and elevation can be considered in creating a system that may work by gravity (in-ground gravity or siphon for pressurized systems). If the process is not done in this order, it can lead to issues where a pump may be required because the location of the system is not appropriate. Borntreger said it is not just the cost. The concern is if gravity doesn't work then you have to pump it. How would a pump be addressed? Burkhamer said the surrounding counties have had situations come up where alternative type pumps were designed and used in the Amish community that utilize compressed air and gas generators to manage their pumping. These have been reviewed by the state and approved.

Said not all Amish communities share the same rules that allow more modern alternative pumps. Larson asked what percentage of systems utilize a mound. Burkhamer responded that it is approximately 25% countywide. This is dependent on soil type.

Olerud restated that these are state regulations that the county has to comply with. An audience member asked what the regulations were for a holding tank. If we could get by with holding tanks for toilets, what is the problem with running other wastewater on the ground? Burkhamer noted that when you are bathing and doing laundry that water contains germs and organisms and when water sits in any one place it promotes the growth of bacteria and parasites.

Another audience member inquired about the waiver and if gray water was an exception to the rules. Burkhamer responded there is no exception for the use of graywater.

Burkhamer noted that if a home is being served by an outhouse, the law does allow for a septic system to be reduced in size for graywater only at a 40/60 ratio.

From the audience a question was posed as to the method of disposal of the graywater. Is it allowed to go underground or through "dog houses" below grade? Burkhamer said those type of systems work for both black and gray water as the actual treatment of the wastewater actually begins in the septic tank itself. A lot of pre-treatment goes on in a tank and the mixed black and gray water go out of the tank together into the septic field (drainfield) portion of the system. The system type is truly dependent on the depth of the permeable soil that provides filtering and treatment before the effluent reaches the ground water. That is the basic principal.

Borntreger asked about the gray water going out of the basement. Burkhamer responded that, under state law, the gray water is regulated the same as black water as far as how it is disposed in a septic system. There is no recognized difference in how effluent is managed in the soil between black and gray water or a combination of the two.

Evenstad clarified if the question was could a graywater system be installed without a tank. Burkhamer said she had never seen that done.

Olerud noted that all of this is regulated by the state and there is no variance allowed by the county. The remedy would be to change the law. Olerud said the place to start would be with the district representative Loren Oldenburg.

Borntrreger said he was under the belief that if the county approved something, then the state would go along with it. It became evident that he was speaking about the allowance of holding tanks. Burkhamer said that, although she was not aware of the reasoning, the county ordinance has always regarded holding tanks as a system of last resort. The state does not share in this limitation and would approve a holding tank as a system of choice. Burkhamer said under county ordinance a holding tank is only allowable for a seasonally used one bedroom home (cabin) or in the instance that the soils on a property would not support a drain field. At issue here is that we are such a rural county that the worry is that when you have a holding tank and it gets full, it is very tempting to throw a siphon or pump in there and send the contents over the hill. Borntrreger asked if holding tanks also had to be pumped by a licensed pumper. Burkhamer affirmed that that is true.

Borntrreger asked for clarification of the letter he received regarding the plan review section – was that part of the state? Burkhamer said yes.

Burkhamer noted a recent conversation with one of the pumpers regarding their inability to spread waste on field during the winter and the lack of municipal treatment plants that were able to accept the wastewater at their facility. With septic systems the tanks are only pumped every three years. The pumping issue was again brought up by the Amish. Burkhamer asked what was done to retrieve well water when there was no wind for the windmill. The response was that they use a gas engine, but could not do that on a daily basis and where would they keep the gas engine for this use? Burkhamer empathized with the issue and went on to say that many of the pumps now in use are stored inside and brought out to the tank only when needed so the mechanics of the pump could be protected. Burkhamer noted that each tank is provided with an alarm system. In the English world these are audible alarms that work off of electricity, but there are instances where a visual float type alarm is used with a floating stick that is painted or marked to indicate when pumping should occur. Larson noted that his home has a mound system that is not pumped every day, but is dependent on use. A question on floor drains in basements was brought up and Burkhamer said that the issue was one to be addressed by the uniform dwelling inspector (Vince).

Olerud noted that he understood that water usage in the Amish household is considerably different than in the English household. With that said, it is assumed that the Amish household would have less occurrence of the need to pump. Larson again pointed to preplanning and strategically placed houses would be more likely to take advantage of a gravity flow system.

Why does need a pump? Discussion on why and when a pump is appropriate.

Beitlich noted the answer is still to get the sanitation work done prior to the building permit so that is there is an issue, it can be addressed and tweaked.

Evenstad relayed information he received from a county board supervisor that had travelled to Iowa and discussed this issue with the Amish community there. They indicated that they were very happy to have the septic system. The important thing to remember here is that this all comes down to health. We are fortunate that we have not had a health incident outbreak to date.

Borntrreger said the community has some homemade systems, a few are using septic systems that existed on the property when they purchased it Larson noted that if a landowner already has the tank installed, it would be little more to have the system completed.

Borntrager questioned the need for licensed plumbers and the cost of a system. Burkhamer described that based on a typical three bedroom system (most common) a conventional system would cost \$7,000 to \$8,000, and at-grade system approximately \$10,000 and a true mound \$15,000. She also noted that pumping a holding tank costs between \$120 and \$210 per event.

Hershberger said an assessor talked to a guy and he said that a licensed plumber may come and supervise the Amish laborers and then have it inspected. Larson said if you can find a willing plumber that would be a viable opportunity. Discussion followed on the liability of the licensed plumbers.

An audience member questioned if this will be the end of it or what will come up next? Evenstad said we can't address or guarantee against any further legal requirements the state legislature may pass. How long before the outhouse will be outlawed? Burkhamer said she did not think there was an issue with the use of an outhouse, but again, it is required to work with the soils or be a vaulted privy. Evenstad noted that a county permit is required for privies as a point of education for those unaware of the ordinance provisions.

Discussion ensued as to the 40/60 downsizing of systems. Jerry Pedrettii questioned the availability to utilize that scenario. Burkhamer said that the law doesn't discriminate against individuals. Downsizing is allowed by law and is available to anyone.

Confusion between a privy and a holding tank was clarified, noting a privy tank must be a minimum of 200 gallons. Discussion went on to reiterate that a large holding tank cannot be used as a privy as they are not necessarily constructed to withstand the weight of the privy/outhouse structure above the tank. Burkhamer noted the tank people are very accommodating with needs.

Non Plumbing affidavit and waiver. Burkhamer the waiver is currently written that interior plumbing may be installed by the land owner.

The question of non-plumbed homes with the use of bucketing water in and wastewater out. Pedretti said it's not about practicality, but the law is the law. Burkhamer said it is legal to the degree of use and noted that it is legal, but when its 4 degrees below zero is the methodology going to be desirable. If you can manage the needs of your family and have a very low impact this is fine, but serving a family of ten. Burkhamer said in a situation like that, if she drives by and sees a hose running into the window there will be a legal issue. With that discussion she noted that you can see this is not just an Amish issue, we have the same desires in the English community to deal with. Evenstad said the real issue is that will this transition into something different. Something that is legal in a snapshot in time can be changed without notice to the county and then it becomes an issue.

Larson said you will grow to appreciate your system and be glad that you chose to install it.

Borntrager said he spoke with an individual that said his septic system didn't work and backed into his basement so he opened a hole in the other side of the tank and let it run out. Burkhamer said this is back to the maintenance issue. Solids build up in a tank over time and must be removed by a pumper to have the system work properly. This is the same issue as shoveling behind your cows. A system must be properly maintained in order to keep it working for a long time.

Olerud we can be as creative as we want, but the law is the law and we have to work within its parameters. Schmitz questioned how to handle these issues in the field. Is he to address violations on behalf of the town?

Burkhamer said it is her understanding that the purpose of these meetings is to come to an agreement that permits will be obtained. Schmitz reiterated that he too is bound by the laws in the issuance of building permits.

Bornreger said he expects they will approach Rep. Oldenburg to work from the legal end. Olerud said that is a good idea and the county would be available to help them as needed. The conversation returned to the idea of the Amish pursuing licenses to install.

Bornreger expressed his appreciation that Burkhamer indicated that time would be allowed to get into compliance through the spring season.

Evenstad encouraged cooperation and communication with the towns and the county noting that it is better to do things properly from the beginning rather than doing things behind the scenes resulting in citations as the county is obligated to follow the law and answer to the rest of the community.

Existing systems were questioned age, law, dates, size, etc. Someone questioned the practice of the pumpers pumping a tank and then spreading it on the farm field. Burkhamer described the DNR program for pumpers and how certain fields are registered for use in spreading septic tank waste.

Old farms being maintained are in compliance. If there is a complaint, then it needs to be looked at and a solution addressed at that time.

Larson noted that there is a reason for every law that something happened to create that law.

Burkhamer read the email correspondence from James Theler. Burkhamer then asked Tim Hundt from WKPO radio station about a news article regarding a water issue on the east side of the state. Tim noted this was a reversal on a dairy farm court ruling that restored strength to their regulatory abilities. Larson noted this came from an issue that the well water of homes surrounded by farmland was coming to the tap in a dark color.

Motion to excuse Beitlich and Larson by Olerud with a 2nd by Call – all in favor.

Olerud moved to approve minutes, 2nd by Call with all in favor.

Burkhamer presented the Work-Income report noting there were 19 work days with 17 days in field work. The department drove 664 miles with 23 stops, issued 2 sanitary permits, and 1 Land Use permit. Four systems were installed and nine soil evaluation reports were filed.

Revenue totaled \$2,985 with expenses of \$ 11,282.26 reflecting a loss of \$8387.26. Revenue was 26% of expenses. Burkhamer said the department ended the year in 2018 revenue at 83% of expenses. A budget report was provided reflecting the department used 75% of the amount budgeted levy and \$7,500.00 was returned to the general fund.

Burkhamer presented two vouchers, one the Wisconsin Fund and one for monthly bills. Olerud questioned if the Wisconsin Fund was available for use by the Amish. Burkhamer said the program is offered to all qualifying replacement systems and has a sunset date, but if it is restored it will definitely be offered for ALL replacement systems.

Burkhamer reviewed the items included on the monthly voucher line by line. Call moved to approve, 2nd by Olerud with all in favor.

In the administrators report, Burkhamer said she had discovered the computer work being done between Emergency Management and GIS coordinator was for the program to publicize road closures. FEMA provided feedback on the question of building on the other side of a stream. Suggested that the permit required for the stream crossing include

a comment be made as a caveat to the land owner. Towns Association did not weight in. Burkhamer described an Issue with citizen unhappy with permitting requirements is seeking to appear before the Board of Adjustments. BOA chairman Reddington was concerned and was explained that this is a process and will take time.

Regarding Citations –Burkhamer met with Corporation Counsel on the trailer on 56. Landowner does not feel he has broken the law. Swayne is taking legal steps for “discovery” and I expect it will be in court soon.

Burkhamer reported that the Sugden violation was recommended for citation. Corp Counsel Swayne suggested it be handled as a summons and complaint rather than citation. If this is not resolved b next meeting it would be good to have Swayne at the next meeting. Burkhamer noted that you can cite all year long, but compliance would be voluntary. In court, the judge would make his/her judgement and order.

Eric brought forth a potential violation for a new mobile home right next to the creek below the clockmaker dam. Burkhamer made note of the details and will investigate.

Jerry Kins was addressed to bring any issue to the committee under public comment. Kins said that there are many sites with more than one residence on the parcel. Burkhamer said that the homes can be connected to one system or each have their own system. Jerry raised his concern that small structures (chicken coops) are built without permit and converted to a home for a short period of time, a home is built and then the structure goes back to an animal shed. He expressed his opinion that this issue could be addressed by zoning at the county level.

Lonnie spoke to the issue that he supports requiring zoning at the town level as a requirement. Burkhamer noted that most people think that Vernon County does not have zoning.

The next meeting was set for February 12 at 8:30 – meet at county boardroom.

Call/Olerud moved to adjourn with all in favor.

Minutes recorded by: Susan Burkhamer

VERON COUNTY ZONING COMMITTEE MEETING

JANUARY 17, 2019

ATTENDANCE RECORD - DECEMBER 11, 2018

	Name	Address	City/ST/Zip
1	Eli U. Miller	26353 Melrose Rd.	Cashton WI.
2	Waney V Yoder	17826 Mesabi Ave.	Norwalk WI
3	Perry B. Miller Jr	16605 Newman Ave	Cashton Wis
4	John D. Schmucker	S 998 Cty D	Cashton, WI.
5	Vernon A Yoder	5981 Irish Ridge Rd	Cashton, WI
6	Chester P. Miller	E10641 E Salem Ridge Rd	LaFarge, WI
7	Levi Miller Jr	S1414 Woods Rdg Rd.	Cashton, WI.
8	Sidon B. Hostetter	26262 Merusinae Rd. 1	Norwalk, Wis
9	Andy M. Schrock	S-859 C.R. D	Cashton, WI
10	Johnny Miller	E3903 CRD	Viroqua WI
11	JACOB Kempf	E1414 Hickory Ridge Rd	Genoa WI
12	David C. Bortreger	S3215 Sorenson Ln	Viroqua WI
13	David F Schuchman	F3827 CTY D	=
14	Andy E Miller	E4246 Cty RR	Chaseburg WI 54621
15	Emily B. Wagner	E3411 City Hwy 0	Viroqua, WI 54625
16	Simon D. Bortreger	S771 Dell Rd	Cashton WI 54619
17	Melvin Hersberger	E9765 Pa's Rd	Westby, WI 54667
18	David J. Miller	25946 Co. Hwy. 11	Norwalk WI. 54648
19	Alb. G. Miller	315 Cty D	Cashton, WI 54619
20	Jerry Keno	1012 Village Square	Alfonso WI 54730
21	Steve Troyer	13144 Meadow Ave	Cashton, WI 54619
22	Jacob Troyer	26006 Melrose Rd	Cashton WI 54619
23	CHRIS BORTREGER		
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