

Agenda Item Report



Winnebago County
The Wave of the Future

DATE: March 22, 2022

FROM: Jerry Bougie, Director of Planning and Zoning

RE: Committee review and action on resolution and accompanying agreement authorizing Winnebago County to enter into an updated agreement with East Central Regional Planning Commission to administer state mandated requirements of NR-135, Wisconsin Administrative Code, and the required County Non-metallic Mining Ordinance.

General Description:

This is a contractual renewal and update to a long-standing (since July 2001) multi-county cooperative agreement with East Central Regional Planning Commission (ECRPC) to administer state mandated requirements for Non-metallic Mining reclamation (Quarry) operations.

Action Requested:

Motion to approve resolution and accompanying agreement authorizing Winnebago County to enter into an agreement with the ECRPC to administer the state-mandated requirements of Wisconsin Administrative Code NR-135 and the related County Non-metallic Mining ordinance.

Procedural Steps:

(Show each level of committee and board approval needed, with meeting dates.)

Committee of Jurisdiction: <u>Planning & Zoning</u>	Meeting date: <u>April 8, 2022</u>
Action taken: <u>Passed</u>	Vote: <u>4-0</u>
Other Committee: _____	Meeting date: _____
Action taken: _____	Vote: _____
County Board <u>X</u>	Meeting date: <u>April 26, 2022</u>

Background:

This is a State mandated program under Chapter 295, Wis. Stats., and NR-135, Wisconsin Administrative Code. It requires all Counties in the state to administer and enforce uniform standards for reclamation activities on Non-metallic mining (Quarry) sites. This mandate is codified in Chapter 20, Winnebago County General Code. In 2001, five Counties in the East Central Regional Planning area (i.e. Winnebago, Outagamie, Calumet, Shawano and Waupaca) entered into a cooperative agreement with ECRPC to have that agency administer each County's Non-metallic mining program and ordinance. ECRPC employed a Quarry Reclamation Specialist to effectively administer the Non-metallic program for each county which allowed for significant cost and staffing resource savings for each County. Over the past 21 years, East Central staff has provided quality, efficient and professional administration of the NR-135 program for the Counties under the agreement. After 21 years, renewal of the agreement has now become necessary to update the agreement to current times.

Policy Discussion:

Administering the NR-135 program standards requires specialized expertise and staffing that many Counties do not have, including Winnebago County. Therefore, instead of all five counties having to

provide their own staffing and related costs to administer the NR-135 mandates, the Counties gain significant cost savings, efficiencies and savings on staffing resources by entering into the cooperative agreement with ECRPC to ensure the NR-135 program mandates are met and carried out effectively. ECRPC employs a full-time Reclamation Specialist that serves the five County area under the agreement. Some elements of the original agreement have become out-of-date and require updating, such as provisions for GIS information, removal of start-up language, updated permitting procedures and provisions for Counties that may decide to withdraw from the agreement. These provisions have been updated in the newly proposed agreement.

Fiscal Note: There is no cost to the County for participating in the cooperative agreement. Pursuant to State Law (Ch 295 and NR-135) the program is self-funded by the quarry operators based on the active acres being mined. The annual per acre fee is derived by ECRPC on an annual basis for each County to ensure the costs to administer the program for that year are completely covered. The County Planning and Zoning Committee subsequently reviews and adopts the per acre fee and related budget submitted by ECRPC for each given year.

Attachments:

Draft Resolution and updated agreement.