

RACINE COUNTY LAND & WATER CONSERVATION

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RACINE COUNTY LAND AND WATER CONSERVATION COMMITTEE
Also Known As A Subcommittee of
THE RACINE COUNTY ECONOMIC DEVELOPMENT AND LAND USE PLANNING
COMMITTEE

Ives Grove Auditorium – 14200 Washington Avenue
Monday, 6:00 p.m., February 5, 2024

SUMMARY MINUTES OF COMMITTEE MEETING

Committee Members Present: M. Osterman, J. Eckman, T. Rutkowski, R. Grove,
T. Wishau

Committee Members Excused: G. Horeth, T. Greil

Youth in Governance Present: M. Patil

Staff Present: C. Sampson

1. Chairman M. Osterman took roll call and called the February 4, 2024, Racine County Land and Water Conservation Committee meeting to order at 6:01 p.m.
2. A motion by R. Grove, seconded by T. Wishau to approve the minutes from the December 4th meeting. The motion was approved (1-0) by Youth in Governance. The motion was approved (5/0) by the Committee.
3. M. Osterman attended the NACD Regional Meeting in Springfield, IL. The meeting was cut short due to the weather. Monte stated that Wisconsin Land & Water wants to be involved in the interview and hiring process for the new NRCS State Conservationist position.

C. Sampson reminded the Committee that the WI Land & Water Annual Conference is March 6 – 8 in Green Bay. The conference has a variety of training sessions, keynote speakers and the awards banquet on Thursday night. M. Osterman encouraged the Committee to attend.

4. C. Sampson stated the poster contest was a success this year. Over 140 posters were received in three different divisions (K-1, 2-3 and 4-6). Goodland Montessori and Kansasville Elementary School were the two schools involved. C. Sampson had copies of the winning posters to share with the Supervisors. M. Osterman stated it is good to get the youth involved and this was great news to have that many students submit posters.

5. C. Sampson stated the tree program was continuing to take in orders. The ordering deadline is February 23rd. T. Rutkowski asked how the program was advertised. C. Sampson stated that if a customer had ordered trees in the past 3 years, then a mailing will be sent to those customers. Also, the Racine County facebook page has released two notifications about the program. C. Sampson said they currently have over 200 orders and almost 20,000 trees sold so far. Currently, American Arborvitae is the only species that is sold out. M. Patil asked what exactly the tree program entails. C. Sampson stated that once per year the County sells 12-18 inch trees in bundles of 25 at low cost to promote environmental conservation.
 6. C. Sampson said the next Farmland Preservation Planning meeting will likely be sometime in March or April. He also stated that Jeff Rice from the Town of Burlington has been having some discussions about A-1 zoning versus A-2 zoning and some of the questions that have been raised at the Town. The Town of Burlington is also updating their land use plan and having some of the same conversations regarding A-1 and A-2 zoning.
 7. M. Osterman stated that he wanted the Committee to complete an ordinance review for items relating to the Land & Water Conservation office and Committee. The "Shoreland Uses" ordinance was presented to the Committee. C. Sampson stated that shoreland areas were any permitted construction activities within 1000 feet of a lake or 300 feet of a navigable stream. C. Sampson said the only part of the ordinance that could be updated is the portion that reads "Technical Subcommittee on Shoreland Development Standards to the Racine County Land Use Committee, 1982." This could be updated to read "Development Services staff and Economic Development and Land Use Planning Committee." C. Sampson continued to state the Development Services staff intakes permit applications in the shoreland area and reviews structure heights, setbacks, etc. Then, the proposal is given to Land & Water Conservation for review of floodplains, wetlands, erosion control recommendations and other environmental impacts. Land & Water Conservation staff conducts a site visit, takes photos, and assesses any other potential water quality, runoff or other environmental concerns regarding the proposal. Staff returns to the office and writes a technical report to include with Development Service's verbiage in a shoreland contract. M. Osterman asked about the soil and water conservation activities mentioned in the ordinance. C. Sampson said the ordinance must relate to any earth disturbance and many soil and water conservation activities include earth disturbance. Although, most soil and water conservation activities that involve County Land & Water Conservation staff or NRCS are often exempt from permitting, especially if done on agricultural land.
 8. C. Sampson said the WPCR was not going to have a Winter Workshop in 2024. Instead, they were going to attend more educational events for themselves. There was some discussion about having a Field Day in May, but nothing has been decided yet. The Summer Field Day will be held in September.
- C. Sampson said he was meeting with some of the WPCR Board Members on Thursday to fill out the 2023 annual report for WI DATCP.

9. M. Osterman shared G. Horeth's spreadsheet on rainfall / snow melt versus water levels at the Waterford Dam. The data does not appear to have much impact on the water levels thus far.
10. R. Grove requested discussion on solar farms and the environmental impacts to be included on the agenda. There was discussion on the life of solar panels and what happens when the sites are abandoned after their useful years. The questions of other environmental impacts such as runoff and soil impacts were also discussed. It was agreed that the Committee should bring any additional information they have to the next Committee meeting. C. Sampson said Development Services is currently developing a solar ordinance. M. Osterman requested the ordinance to be reviewed by this Committee.
11. A motion by T. Rutkowski to adjourn at 7:10 p.m.

RESOLUTION NO. 2024-RPW

RESOLUTION BY THE RACINE COUNTY LAND AND WATER CONSERVATION COMMITTEE TO SUPPORT A GRANT PROPOSAL TO THE NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS IN PARTNERSHIP WITH THE ROOT-PIKE WATERSHED INITIATIVE NETWORK FOR AN URBAN AGRICULTURE AND COMMUNITY CONSERVATION PROJECT AT THE RACINE COUNTY YOUTH DEVELOPMENT AND CARE CENTER

WHEREAS, the National Association of Conservation Districts (“NACD”) is a 501(c)(3) nonprofit association that works to help manage and protect land and water resources on private and public lands in the United States; and

WHEREAS, as the national voice for all conservation districts, NACD supports voluntary, incentive-driven natural resource conservation programs that benefits all citizens, including through administration of the NACD Urban and Community Conservation Grant Initiative which is designed to enhance urban agriculture conservation technical assistance activities in developed and developing areas of both urban and rural communities; and

WHEREAS, NACD provides innovative planning and implementation grants for up to \$60,000 to support urban agriculture and community conservation; and

WHEREAS, Root-Pike Watershed Initiative Network (“RPW”) intends to partner with the Racine County Land and Water Conservation Department for an NACD implementation grant to plan, design, install and maintain a specialty micro-farm at the Youth Development and Care Center (“YDCC”); and

WHEREAS, the creation of this harvestable micro-farm will enable residents and community groups access to native plants for pollinator habitat and roadside water contamination mitigation, and education and

WHEREAS, the operation of the micro-farm will teach beneficial skills to youth residents within the YDCC, will ultimately save Racine County expenses for road and highway maintenance, and provide opportunity for public buildings to be beautified while increasing environmental stewardship through pollinator habitat creation, and

WHEREAS, the Racine County Land and Water Conservation Committee has reviewed and supports the proposal to apply for an NACD Urban and Community Conservation Grant.

NOW, THEREFORE, BE IT RESOLVED by the Racine County Land and Water Conservation Committee that the submission of a grant proposal to the National Association of Conservation Districts in partnership with the Root-Pike Watershed Initiative Network for an urban agriculture and community conservation project at the Racine County Youth Development and Care Center is approved subject to a duly authorized resolution of the Racine County Board of Supervisors approving the same.

Respectfully submitted,

**RACINE COUNTY LAND AND WATER
CONSERVATION COMMITTEE**

VOTE REQUIRED: Majority

Monte Osterman, Chairman

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Robert Grove, Vice-Chairman

Jason Eckman

Prepared by:
CES

Tom Greil

Taylor Wishau

Tom Rutkowski

Greg Horeth

INFORMATION ONLY

WHEREAS, it is anticipated that NACD will provide a Memorandum of Agreement – one (1) year term – upon announcement of successful proposals; and

WHEREAS, to receive grant funds if and upon successful award, Racine County must authorize via separate legislative action entry into the Memorandum of Agreement and a match of 25% of funds awarded through in-kind or cash matches.

ARTICLE XIII. - ANIMAL WASTE MANAGEMENT

Footnotes:

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Editor's note— Ord. No. 2012-24, adopted June 26, 2012, set out provisions intended for use as Art. XII. Inasmuch as there were already provisions so designated, these provisions have been included as Art. XIII, §§ 20-1701—20-1721, at the direction of the county.

Sec. 20-1701. - Authority.

This article is adopted under authority granted by W.S.A., §§ 59.02, 59.70(1), 92.07, 92.15, and 92.16.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1702. - Title.

This article shall be known as, referred to, and may be cited as the Racine County Animal Waste Management Ordinance and is hereinafter referred to as the article.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1703. - Findings and declaration of policy.

The county board of supervisors finds that unregulated animal waste storage facilities not meeting current technical design and construction standards may cause pollution of the surface water and groundwater of Racine County, and may result in actual or potential harm to the health of county residents, transients, livestock, aquatic life and other animals and plants and decrease the property tax base of Racine County. The county board of supervisors also finds that improper management of animal waste storage facilities and utilization of animal wastes, including but not limited to the land application of animal waste, may cause pollution of the surface water and groundwater of Racine County. The county board of supervisors further finds that the technical standards developed by the United States Department of Agriculture - Natural Resources Conservation Service and adopted by the county economic development and land use planning committee provide effective, practical and environmentally safe methods of storing and managing animal waste.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1704. - Purpose.

The purpose of this article is to regulate the location, design, construction, installation, operation, alteration, closure and use of animal waste storage facilities; the transfer systems that convey waste into an animal storage facility; and the abandonment of an idle animal waste storage facility in order to prevent water pollution, and thereby protect the health and safety of residents and transients, prevent the spread of disease, and promote the prosperity and general welfare of the citizens of Racine County. It is also intended to provide for the administration and enforcement of the article and to provide penalties for its violation.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1705. - Interpretation.

The provisions of this article shall be considered to be minimum requirements and shall be liberally construed in favor of Racine County, and not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1706. - Applicability.

This article shall apply to all unincorporated areas of Racine County and to all animal waste storage facilities constructed therein. Animal waste storage facilities shall comply with all federal, state, and local laws, rules, and regulations.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1707. - Definitions.

The following definitions shall apply to this article, and for purposes of this article only, shall supersede any definition in section 20-1 that is inconsistent with the definitions in this section.

Animal waste shall mean excreta from livestock, poultry, and other materials such as bedding, rain, or other water, soil, hair, feathers, and other debris normally included in animal waste handling operations.

Animal waste storage facility shall mean a concrete, steel, or otherwise fabricated structure, excavated pit or earthen impoundment, or any structure used to temporarily store, manure, waste water, and contaminated runoff.

Applicant shall mean any person who applies for a permit under this article.

Closure shall mean removal and proper disposal of accumulated wastes and proper abandonment of an animal waste storage facility.

Direct runoff shall mean a discharge of a significant amount of pollutants to waters of the state.

Land conservation committee shall mean the sub-committee of the economic development and land use planning committee, who by authority of W.S.A., ch. 92, is responsible for county-wide soil and water conservation activities conducted by the land conservation division. The sub-committee shall be referred to hereinafter as "LCC."

Land conservation division shall mean the division of the public works and development services department which is responsible for administering and enforcing this article. The division shall be referred to hereinafter as "LCD."

Livestock shall mean domestic animals such as cattle, horses, sheep, hogs, goats, poultry, fish, etc., or exotic animals such as llamas, ostriches, etc.

Livestock operation shall mean a feedlot or other facility or a pasture where animals are fed, confined, maintained, or stabled.

Milking center waste shall mean all wastewater, cleaning ingredients, and waste milk that is discharged from a milkhouse or milking parlor.

Nutrient management plan shall mean a plan that balances the nutrient needs of a crop with the nutrients available from legume crops, manure, fertilizer or other sources. Management includes the rate, method, and timing of application of all sources of nutrients to minimize the amount of nutrients entering surface and groundwater. The requirements for a nutrient management plan are as established in ATCP 50.04(3).

Permit shall mean the signed, written statement issued by the LCD under this article.

Permittee shall mean any person to whom a permit is issued under this article.

Substantially altered shall mean a change to a structure or facility that results in relocation or a significant change in size, depth or configuration including; replacement of a liner, an increase in the volumetric capacity by greater than twenty (20) percent, or a change in livestock management from one (1) species of livestock to another, such as cattle to horses.

Technical standards shall mean the Wisconsin version of the United States Department of Agriculture, Natural Resources Conservation Service field office Technical Guide as adopted by the LCC.

Unconfined manure pile shall mean a quantity of manure, at least one hundred seventy-five (175) cubic feet in volume that covers the ground surface to a depth of at least two (2) inches and is not confined within a manure storage facility, livestock housing facility or barnyard runoff control facility.

Water pollution shall mean contaminating or rendering unclean or impure the ground or surface waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.

Water quality management areas shall mean the area within one thousand (1,000) feet from the ordinary high water mark of navigable waters that consist of lake, pond or flowage; the area within three hundred (300) feet from the ordinary high water mark of navigable waters that consist of a river or stream; and a site that is susceptible to groundwater contamination, or that has the potential to be a direct conduit for contamination to reach groundwater.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1708. - Activities subject to regulation.

- (a) *General requirement.* Any person who locates, installs, moves, reconstructs, extends, enlarges, converts, substantially alters or changes use of an animal waste storage facility or parts thereof; or who employs another to do the same, on land subject to this article, shall be subject to the provisions of this article.
- (b) *Compliance with permit requirements.* A person is in compliance with this article, who receives review and a permit from the land conservation division before commencing activities subject to regulation under this section, and complies with the requirements of the permit. If construction is not completed within twelve (12) months, a permit will be required under this article to continue construction. Repair, enlargement, alteration, abandonment, or temporary abandonment of pre-existing facilities requires a permit that is subject to all terms of this article.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1709. - Standards.

- (a) *Standards for animal waste storage facilities.* The standards for design and construction of animal waste storage facilities and or abandonment/closure are those found in technical standards 313 (waste storage facility), 360 (waste facility closure) and 634 (waste transfer) of the technical guide as it existed on the date of the adoption of this article including any and all future standards amended thereto.
- (b) *Standards for animal waste management and utilization.* The standards for management of animal waste storage facilities and utilization of animal waste are those in technical standard 590 (nutrient management) of the technical guide, including any and all existing and future standards amended thereto.
- (c) *Septage.* Human waste and associated wastewater shall not be discharged into animal waste storage facilities unless permitted by applicable federal, state, or local regulations for the disposal of human waste and wastewater.
- (d) *Standards for implementing prohibitions.* Prior to issuance of a permit under this article, compliance with the prohibitions, as identified in W.S.A., § 281.16(3), and any amendments thereto, shall be addressed. The prohibitions are:

- (1) A livestock operation may have no overflow of an animal waste storage structure.
- (2) A livestock operation may have no unconfined manure pile in a water quality management area.
- (3) A livestock operation may have no direct runoff from a feedlot or stored manure into the waters of the state.
- (4) A livestock operation may not allow unlimited access by livestock to waters of the state in a location where high concentrations of animals prevent the maintenance of adequate sod cover.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1710. - Application for and issuance of permits.

- (a) *Permit required.* Except as hereinafter provided, no person may undertake activity subject to this article without first obtaining a new animal waste storage facility permit, a substantially altered facility permit, or a closure of existing facility permit from the county LCD.
- (b) *Exception to permit requirement.* Emergency minor repairs such as fixing a broken pipe or equipment, leaking dikes, or the removal of stoppages may be performed without a permit. If such repairs alter the original design and construction of the facility, work shall be reported to the LCD as soon as possible for a determination on whether a permit will be required for any additional alteration or repair to the facility.
- (c) *Permit fees.* The fee for a permit under this article shall be determined annually by the LCC during the annual LCD budget development cycle. The fee shall be nonrefundable and payable in advance to the LCD. Temporary abandonment of an animal waste storage facility is exempt from the fee schedule.
- (d) *Animal waste storage facility and nutrient management plan required.* Each application for a permit under this article shall include an animal waste storage facility plan. The plan shall include:
 - (1) The number and kinds of animals for which storage is provided.
 - (2) A sketch of the facility and its location in relation to buildings within two hundred fifty (250) feet and homes within five hundred (500) feet of the proposed facility. The sketch will be drawn to scale, with a scale no smaller than one (1) inch equals one hundred (100) feet. Include the scale of the drawing and north arrow.
 - (3) The structural details, including dimensions, cross sections, and concrete thickness.
 - (4) The location of any wells within three hundred (300) feet of the facility.
 - (5) The soil test pit locations and soil descriptions to a depth of at least three (3) feet below the planned bottom of the facility.
 - (6) The elevation of groundwater or bedrock if encountered in the soil profile and the date of any

such determinations.

- (7) Provisions for adequate drainage and control of runoff to prevent pollution of surface water and ground water. If a navigable body of water lies within five hundred (500) feet of the facility, the location and distance to the body of water shall be shown.
 - (8) A time of schedule for construction of the proposed facility.
 - (9) A description of the method in transferring animal waste into and from the facility.
 - (10) A nutrient management plan which meets the 590 technical standard and the agricultural performance standards as listed under section 20-1709.
 - (11) An unconfined manure pile may not be located within twenty (20) feet of a neighboring property line. A greater distance may be required depending on slope, soil type and runoff potential as determined by the LCD.
- (e) *Substantially altered facility permit.* Each application for a permit under this article shall include the facility alteration plan as listed in section 20-1710.
- (f) *Closure of existing facility permit.* Each application for a permit under this article shall include the facility closure plan as listed in section 20-1710.
- (g) *Review of application.* The LCD shall receive and review all permit applications. The LCD shall determine if the proposed facility meets the required standards set forth in section 20-1709. Within thirty (30) days after receiving the completed application and fee, the LCD shall inform the applicant in writing whether the permit application is approved or disapproved. If additional information is required, the LCD shall so notify the permit applicant. The LCD has thirty (30) days from the receipt of the additional information to approve or disapprove the application. If the LCD fails to approve or disapprove the permit application in writing with thirty (30) days of receipt of the permit application or additional information, as appropriate, the application shall be deemed approved and the applicant may proceed as if the permit had been issued.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1711. - Permit conditions.

All permits issued under this article shall be subject to the following conditions and requirements:

- (1) Animal waste storage facility design, construction, modification, closure and management shall be carried out in accordance with the construction plan or closure plan and applicable standards specified in this article.
- (2) Any person applying for an animal waste storage facility permit or substantially altered facility permit under this article must develop a nutrient management plan as part of the application process to demonstrate their ability to utilize animal waste in an environmentally safe manner. This condition may require the applicant to hire a crop consultant to prepare the

nutrient management plan.

- (3) The permittee must certify in writing that all other local, city, county, state, or federally required permits have been or will be obtained from the appropriate authorities. The LCD may require proof of any permit known to be needed prior to issuing an animal waste storage facility permit, substantially altered facility permit, or closure of existing facility permit.
- (4) Any change to an approved permit shall be approved in writing by the LCD. Written approval shall occur only after a registered professional engineer, DATCP engineer, or local agency staff having the appropriate engineering certification, has reviewed and approved the proposed modifications.
- (5) The permittee shall give no less than two (2) days notice before starting any construction activity authorized by the permit.
- (6) Activities authorized by this permit shall be completed within two (2) years from the date of issuance after which such permit shall expire.
- (7) The permittee shall certify in writing, by a registered professional engineer, DATCP engineer, or local agency staff having the appropriate engineering certification that the animal waste storage was installed or closed as planned. A copy of the certification sheet shall be given to the LCD within one (1) month of completion of installation, alteration or closure. Any approved changes made to the design shall be specified in the certification. LCD personnel may conduct site inspections during and following construction to determine that the facility was installed, altered or closed as planned and designed.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1712. - Permit revocation.

The LCD may revoke the permit issued under this article if the holder of the permit has misrepresented any material fact in the permit application or plans, or if the holder of the permit violates any conditions of the permit.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1713. - Delegation of authority.

The county board hereby designates the county land conservation division to administer and enforce this article.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1714. - Administrative duties.

In the administration and enforcement of this article, the LCD shall:

- (1) Keep an accurate record of all permit applications, animal waste facility plans, nutrient management plans, alteration plans, closure plans, extensions issued and other official actions.
- (2) Review permit applications and issue permits in accordance with sections 20-1710—20-1712.
- (3) Periodically inspect animal waste storage facility construction to insure the facility is being constructed, altered or closed according to plan specifications.
- (4) Investigate complaints relating to compliance with this article.
- (5) Perform other duties as specified in this article.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1715. - Inspection authority.

The LCD is authorized to enter upon any lands affected by this article to inspect the land prior to or after permit issuance to determine compliance with this article. If permission cannot be received from the applicant or permittee, entry shall be according to W.S.A., § 66.0119. Refusal to grant permission to enter lands affected by this article for purposes of inspection may be grounds for denial of a permit or revocation thereof.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1716. - Enforcement authority.

The LCD is authorized to post an order stopping work upon land that has had a permit revoked or on land currently undergoing activity in violation of this article. Notice is given by both posting upon the land where the violation occurs one or more copies of a poster stating the violation, and by mailing a copy of the order by certified mail to the person whose activity is in violation of this article. The order shall specify that the activity must cease or be brought into compliance.

Any permit revocation or order stopping work shall remain in effect until retracted by the LCD, or by a court of general jurisdiction. The LCD is authorized to refer any violation of this article or of an order stopping work issued pursuant to this article, to the county corporation counsel for commencement of further legal proceedings.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1717. - Violations.

- (a) *Penalties.* Any person who violates, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this article shall be subject to a forfeiture of not less than two hundred dollars (\$200.00) and costs of prosecution for each violation. An unlawful violation includes failure

to comply with any standard of this article or with any condition or qualification attached to the permit. Each day that a violation exists shall be a separate offense.

(b) *Enforcement by injunction.* As a substitute for or an addition to forfeiture actions, the county may seek enforcement of any part of this article by court actions seeking injunctions or restraining orders.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1718. - Appeals.

Under the authority of W.S.A., ch. 68, the county land conservation committee, created under W.S.A., § 59.878, and acting as an appeal authority under W.S.A., § 68.09(2), is authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination by the LCD in administering this article.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1719. - Procedure.

The rules, procedures, duties, and powers of the LCC and provisions of W.S.A., ch. 68, shall apply to this article.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1720. - Who may appeal.

Appeals may be taken by any person having a substantial interest which is adversely affected by the order, requirement, decision, or determination made by the LCD.

(Ord. No. 2012-24, 6-26-12)

Sec. 20-1721. - Variances.

The LCC may upon appeal authorize a variance from the requirements of this article. The granting of a variance shall:

- (1) Be consistent with the spirit and purpose of this chapter as stated in section 20-1704.
- (2) Not permit an activity or practice that may fail structurally or otherwise and cause significant water pollution or other offsite impacts.
- (3) Be due to unique circumstances and not to the general conditions of the area.
- (4) Not be granted unless it is shown that the variance will not be contrary to the public interest and will not be damaging to the rights of other persons.

- (5) Not be granted solely on the basis of economic gain or loss.
- (6) Not be granted solely on the fact that certain conditions existed prior to the effective date of the ordinance from which this article is derived.

The LCC may consider decisions made by the LCD, in accordance with local ordinance provisions, when making its determination whether to accept or deny the variance.

(Ord. No. 2012-24, 6-26-12)