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Minutes are generally approved at the following meeting

**MINUTES - Pierce County Land Management Committee Meeting
January 2, 2008**

Present: Jeff Holst, Pat Harrington and Eric Sanden.

Others: Andy Pichotta, Jim Kleinhans and Shari Hartung

Absent: Paul Barkla and Don Nellessen

Chairperson Holst called the Pierce County Land Management Committee meeting to order at 7:00 p.m. in the Pierce County Board Room, Ellsworth, Wisconsin.

Next Meeting Dates: January 16, 2008. Pichotta suggests staying with the same schedule of the 1st and 3rd Wednesday of each month and set the next meeting dates of February 6th and 20th, March 5th and 19th, 2008. All agree.

Approve minutes; **Sanden makes a motion to approve the minutes for the December 5th and 18th, 2007 LMC meetings/Harrington seconds. All in favor. Motion carried.**

Public hearing to consider a request for a conditional use permit to expand a nonconforming structure in the Agriculture Residential District for Guy Wennblom, owner of a parcel of land located in Lot 1, CSM V3 P177 of the SE ¼ of the NW ¼ of Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Chairperson Holst invited Mr. Wennblom forward: Sanden asked as a point of clarification; the building was existing at one time and is now rebuilt in the same spot? Mr. Wennblom explained there was an existing structure there and he now wants to rebuild in the same location, the same distance from the road. **Staff Report – Jim Kleinhans:** Mr. Wennblom contacted the office last year when he wanted to tear down the old residence and indicated that he would like to build a garage in the same spot. We measured the site and found it nonconforming. Setback averaging wouldn't work because his house is 75 ft from the center of the road. The building was 68 ft from the center of the road. He had a footprint of 17 x 20 ft and he wants to increase to 30 x 30 ft. The site is located between 290th Ave and the backwaters of the Mississippi River. There is a steep grade on the riverward side of his property that he is aware of so that he doesn't have to bring in a lot of excess fill and doesn't have erosion control issues. The Town of Diamond Bluff has recommended approval. The conditional use permit process allows for an addition or expansion of a nonconforming structure. The committee should determine if the expansion would have impact on the surrounding properties or protection of the public interest along with criteria under Sec 240-76. I received no negative comments from any of the neighbors or property owners.

Staff Recommendation: Staff recommends the Land Management Committee approve this conditional use permit for the building expansion with the following conditions, provided the committee does not find this proposal contrary to the public interest, safety and welfare.

1. The applicant shall obtain a land use permit for the proposed building.
2. Best management practices should be implemented along the down slope area of the construction to contain disturbed soils from erosion.
3. The existing driveway shall be utilized for access to the proposed building.

Chairperson Holst opened the hearing to the public. No public comment. Public hearing closed.

Sanden asked about the nonconforming use being changed. Isn't that the time it should become conforming? Kleinhans stated that the use has not been discontinued for a year or more. The use will be the same. He came to staff to get a permit and had the contractor lined up to remove the structure so Jim told him to go ahead and remove it. **Harrington moved to approve the conditional use permit**

to expand a nonconforming structure with conditions #1 – 3/Sanden seconds. All in favor. Passed.

Discuss take action on request for Preliminary Plat approval for Whispering Pines by Jeff Oskey, Joyce Anderson and Lorelei Grines, owners, and by Louie Filkins, agent, on property located in the SE ¼ of the NE ¼, the fractional NE ¼ of the NE ¼ and the fractional NW ¼ of the NE ¼, all in Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Holst invited Mr. Filkins, Mr. Oskey and Ms Anderson forward: Staff Report – Emily Lund:

Applicants are here asking for preliminary plat approval for Whispering Pines. They have approximately 49.56 acres with 21 lots and 3 outlots, in a subdivision in the Town of Trenton. The Land Conservation Committee approved the stormwater, sediment and erosion plan on Oct. 25, 2007 with six conditions. All parcels meet the Town's 1-acre minimum lot size. The Town approved the preliminary plat with the condition the owners sign and deliver a Developer's Agreement to the Town. Staff has received a draft copy of the agreement and understands the Town and applicants have been working together to complete this task. This shall be completed prior to site disturbance. Lots meet the slope and frontage requirements. Staff reviewed the site to see if the land was subject to any hazards to life, health or property; no such hazards were found. A traffic control sign and a uniform street numbering sign, numbered 161st Avenue shall be required at the intersections with 170th Avenue and 770th Street. Preliminary soil borings were evaluated. Covenants were submitted and a review will be completed before final plat approval. Plat review fees were paid on 9-17-07. Staff has received correspondence from the WisDOT regarding this land division which is attached to the staff report. The DOT indicated that a Corridor Plan and Environmental Assessment were completed in May 2004 for the US 63 corridor from Red Wing to State Hwy 35. The DOT was concerned that the subdivision would affect the 63/35 conversion to a jug-handle and indicated their preference to relocate the numerous driveways on State Hwy 35 south of the intersection to a local street to increase safety on State Hwy 35. Staff, developer and WisDOT met on Nov. 13, 2007 to discuss the project, access and options to come to a compromise. Another meeting was held on Nov. 30, 2007 with staff, representatives from the Town of Trenton, the developers/applicants and WisDOT. It was DOT's conclusion that the developers will keep the design as proposed. Summary is attached. The Wisconsin Dept of Administration does not object and certified the preliminary plat as complying with Wis. Statutes as stated in their letter dated 9/21/07. Their approval did not reference the WisDOT Corridor Plan and associated issues. The applicant's engineer has estimated the cost of installing erosion control measures to be \$7,250. An erosion control bond or irrevocable letter of credit in the amount of 200% (or \$14,500) of the estimated cost of installing and maintaining erosion control measures will need to be submitted. **Staff Recommendation:** Staff recommends the Land Management Committee approve this request for preliminary plat approval with the following conditions:

1. All conditions of preliminary plat approval shall be met prior to construction and installation of roads or erosion control measures.
2. Roads shall be built to Town of Trenton standards prior to final plat approval.
3. All required DNR permits (i.e. NOI permit) shall be secured and any conditions met.
4. All conditions recommended by the Pierce County Land Conservation Department and Committee shall be met (1-6).
5. Erosion control measures shall be installed according to approved plans and associated conditions, and the site stabilized, to the satisfaction of the Land Conservation Department, prior to final plat approval. Applicant understands that final plat approval will not be granted until the Department of Land Management is notified by the Land Conservation Department, in writing, that the project is eligible for final plat approval.
6. A statement of completion that is signed and stamped by a certified professional engineer that the erosion control and stormwater measures have been installed according to approved plans shall be submitted. Any deviation from approved plans shall be noted on as-built plans that

shall be submitted with the statement of completion. Any issues requiring follow-up (punch list) should be listed along with a proposed schedule for completion.

7. Applicant agrees that any unforeseen erosion issues that arise during construction will be addressed to the satisfaction of the county.
8. An erosion control bond or irrevocable letter of credit in the amount of 200% (or \$14,500) of the estimated cost of installing and maintaining erosion control measures shall be submitted, reviewed, and approved by Corporation Counsel.
9. Traffic control signage and a uniform street numbering sign numbered 161st Avenue shall be required at the intersections with 170th Avenue and 770th Street shall be installed by the developer.
10. Covenants shall be reviewed and approved by Corporation Counsel prior to final plat approval.
11. Applicant shall obtain all necessary sign permits (i.e. temporary new development signs; on-site construction signs; on-premises residential neighborhood signs).

Mr. Filkins explained it is north of Hiawatha Bank between 170th Avenue and 770th Street. All lots except lot 8 are served off the proposed road. Lot 8 is served off of 770th St. There are 3 outlots proposed for open space, walking trails and some tree planting areas. Chairperson Holst asked what the 40 ft access easement is. Mr. Filkins explained that is to get to Mr. Oskey's house. Currently he gets access through lots 11, 12, & 13. The layout is basically the same as the one the committee looked at 3 or 4 months ago. There are more outlots and the lot sizes are a little smaller. Harrington asked what the lot size is. Mr. Filkins stated all the lots are about an acre and one quarter, some near an acre and a half except lot 19 which is just over one acre. **Sanden moves to approve the Preliminary Plat for Whispering Pines with conditions #1 – 11/Harrington seconds. All in favor. Passed.**

Mr. Filkins asked for an extension to the time for requesting final plat approval. Pichotta stated that the committee has the discretion to extend it out to two years. The LMC had required applicants to come back in six months if it was determined that they need the extra time. This committee has allowed that deviation right from the beginning. Sanden, that assumes no change to the plan. Pichotta, that is correct if there is a change, they would need to come back. Chairperson Holst noted that we will need an amendment to the motion. **Harrington moves to amend the motion for preliminary plat approval with conditions #1 – 11 by extending the time frame for final plat approval from six months to twenty-four months/Sanden seconds. All in favor. Passed.**

Chairperson Holst stated the next agenda item has been withdrawn.

Discuss take action to establish methodology to finalize smart growth planning committee membership. Pichotta reports: As you recall Resolution 07-13, which establishes the Smart Growth Planning Committee, calls for an 11 member committee (9 members and 2 alternates) with representation from the four geographic areas identified in the Public Participation Plan. We have five applicants from the area of Clifton, Oak Grove, River Falls and Trimble, four applicants from the area of Diamond Bluff, Trenton, Hartland and Isabelle, five from the area of Martell, Gilman, Spring Lake, El Paso and Ellsworth, and two applicants from the area of Rock Elm, Union, Salem and Maiden Rock. In order to finalize planning committee membership a methodology with which to select members is required. It will be important to achieve a diverse membership. Options include:

1. Invite applicants to a special LMC meeting and conduct interviews. Finalize membership based upon interviews.
2. Ask applicants to submit additional information regarding interests, affiliations, etc. Finalize membership based upon submitted information.
3. Make a decision based upon the information already submitted which is very limited.

In determining how to move forward, my suggestion is to choose two applicants from each of the four areas. Since Rock Elm, Union, Salem and Maiden Rock area only has two applicants we could take both of those. The other areas we need two from each and three from one of them. We could choose

three from Martell, Gilman, Spring Lake, El Paso and Ellsworth because there are five Towns in that group. We could determine a date to meet and invite all of these folks in from the first three groups to sit down with for 15 minutes each to present their interest affiliation, etc and if there were questions the committee wanted to ask of them, they could. Then utilize that input to finalize the committee. We could set up a time either late afternoon or early evening before a meeting if you would like. Sanden asked if the applicants could be asked to prepare a self-identification statement, information about what they hope to contribute to the process and any committees they have served on for the committee to review. Pichotta will notify each of the applicants. **Harrington makes a motion to meet on January 16th at 4:30pm to conduct 10 minute interviews of applicants to finalize smart growth planning committee membership/Sanden seconds. All in favor. Passed.**

Departmental Update and Future Agenda Items

Conditional use permit request for an accessory residence in the Town of Martell.

Pichotta noted the reason that an agenda item regarding unclassified uses was pulled was because it came to his attention that the item description was not specific enough. It should have referenced something about photovoltaic arrays or solar panels. Also, in reviewing our code Jim came up with a provision through which solar panels can be regulated which specifies they don't need a permit unless they exceed 1000 sq ft. Given the increasing cost of energy, we will probably see a lot more wind towers, solar panels and these types of things. Staff will compile information about our requirements for green technologies for the committees review and to determine if the code is adequate as is, or if changes are necessary. For example, if someone has an array that rotates with the sun, with one in their front yard and one in the back yard, you could start to have some visibility issues with the neighbors. Harrington asked if there is any glare off of solar panels. He suggested that we need to be permissible as possible with renewable energy. Kleinhans noted that the Department of Commerce allows local municipalities to regulate them.

Motion to adjourn at 7:38pm by Sanden/Harrington seconds. All approve. Motion carried.

Respectfully submitted by S. Hartung

**MINUTES - Pierce County Land Management Committee Meeting
January 16, 2008**

Present: Paul Barkla, Jeff Holst, Eric Sanden, Don Nellessen, Pat Harrington.
Others: Andy Pichotta

Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 4:30 p.m. in the Pierce County Board Room, Ellsworth, Wisconsin.

Conduct interviews of interested applicants for membership on the Smart Growth Planning Committee. Staff Report –Pichotta stated that the LMC had directed staff to schedule interviews with individuals who had applied to be on the Smart Growth Planning Committee every ten minutes beginning at 4:30 p.m..

Pichotta noted that two applicants were unable to attend and had provided written comments regarding their interest in being on the committee and that Lori Dodge had withdrawn from consideration. Pichotta noted that no action would be taken on committee selection until the regular 7 p.m. meeting.

Interviews were conducted as follows:

Michael Jones	Town of Oak Grove	4:30
Francis Stark	Town of River Falls	4:40
David Matthews	Town of River Falls	4:50 – not in attendance.
James Rasumssen	Town of River Falls	5:00
Mike Zipko	Town of Oak Grove	5:10
Steve Rosaaen	Town of Trenton	5:30
Barry Barringer	Town of Trenton	5:40
Mark Peavey	Town of Trenton	5:50
Tom Rauch	Town of Gilman	6:00
Tim Wiff	Town of Martell	6:10 – not in attendance.
Everett Muhlhausen	Town of Ellsworth	6:20
Jay Richardson	Town of Spring Lake	6:30

Motion to adjourn at 6:38 pm by J.Holst / D. Nellessen seconds. All approve. Motion carried.

Respectfully submitted by A. Pichotta

**MINUTES - Pierce County Land Management Committee Meeting
January 16, 2008**

Present: Paul Barkla, Jeff Holst, Don Nellessen, Pat Harrington and Eric Sanden.

Others: Andy Pichotta, Brad Roy and Shari Hartung

Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 7:00 p.m. in the Pierce County Board Room, Ellsworth, Wisconsin.

Next Meeting Dates: February 6th & 20th, March 5th and 19th, in 2008.

Approve minutes; **Sanden moved to approve the minutes for the January 2, 2008 LMC meeting/Harrington seconds. Barkla and Nellessen abstained. Motion carried.**

Public hearing to consider a request for a conditional use permit for an accessory residence in the Primary Agriculture District for Joan Tytor, owner of a parcel of land located in the NW ¼ of the SE ¼ of Section 8, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Barkla invited Ms Tytor forward: Ms Tytor explained they would like to build a more permanent residence for her mother, as her needs increase. She now stays with them in the winter. **Staff Report – Brad Roy:** Ms Tytor's mother currently lives in a 100+ year old cabin that has two sets of stairs and wood heat. A new residence would provide a safer living area. The existing residence is a two-story house that is over 1600 square feet. The new residence will be a single story building that is 944 square feet. The water and septic will be connected to the existing well and mound system, which were installed in 1994. Driveway access is off of 660th St. At the time the residence is no longer needed, the building will be converted to a different use. No renewal is needed for this request. The Town of Martell approved this request on December 11, 2007 with no conditions. **Staff Recommendation:** Staff recommends the Land Management Committee consider the above and if determined to be not contrary to the public interest, nor injurious to public health, safety or character of the area, grant this conditional use permit with the following conditions:

1. A land use permit shall be obtained for the construction of the structure and the Land Management Department shall be notified when the use of the structure is changed.
2. A sanitary permit shall be obtained for the connection of the new system.
3. The use shall be established within 12 months of LMC approval.

Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed. Harrington asked Brad if at the time the building is converted can it be rented? Roy stated yes. Sanden asked about the 27 ft setback to the property line being any problem? Roy stated the setback only needs to be 10 ft. **Holst moved to approve the conditional use permit for the accessory residence with conditions #1 – 3 determining that it is not contrary to the public interest, nor injurious to public health, safety or character of the area/Nellessen seconds. All in favor. Passed.**

Discuss take action on selection of individuals to serve on the Smart Growth Planning Committee. Chairperson Barkla stated 12 individuals were interviewed. Harrington asked if there were going to be two selected from each area. Pichotta reported: Resolution 07-13 which establishes the Smart Growth Planning Committee calls for an 11 member committee with 9 members and 2 alternates with representation from the four geographic areas identified in the Public Participation Plan. They are broken down to include an area consisting of Clifton, Oak Grove, River Falls and Trimble, another being, Diamond Bluff, Trenton, Hartland and Isabelle, the next area is Martell, Gilman, Spring Lake, El Paso and Ellsworth, the fourth area being Rock Elm, Union, Salem and Maiden Rock. I think you should strive for geographic representation on the committee. If you feel that certain candidates outweigh the geographic representation that is within your discretion to choose. The goal is to have adequate representation from the entire County. Chairperson Barkla stated we elect 9 members and 2 alternates. Pichotta stated based on the discussion of the Jan. 2nd meeting, it was determined there

would be 2 members from each of the geographic areas. Being supply met demand from Rock Elm, Union, Salem and Maiden Rock, it was determined Mr. Danneker and Mr. Holst essentially defaulted onto the committee. Nellessen suggested that the committee choose at least two out of each of the remaining areas so each area would be represented fairly. Chairperson Barkla stated he understands that but then it would knock out someone that seemed more qualified to be on the committee. Holst stated one group of townships didn't interview as well as the others did. The one question asked of each applicant was what their perspectives are that they bring to the process, and I don't feel they totally grasped the question. I could see an area where people had similar perspectives. Do we want to replicate that as opposed to geographic area? Sanden stated by selecting certain perspectives we're putting weight on that perspective. That's why I asked the same question to all the applicants if they would represent their constituents regardless of their views. Chairperson Barkla stated we have two members known, Danneker and Holst. Nellessen stated since we already included two from those Townships, we should choose two from each of the other Townships to be fair. Pichotta, Sanden and Harrington agreed. Pichotta stated we may open ourselves up for criticism if a Town didn't like the results and that particular Town only had one representative. I would propose that we number them 1 – 5 with 1 being the most desirable and 5 being the least. The applicants with the lowest points will be the members. We will choose two from each area first. Then go back and choose the other member and the alternates. Pichotta tallies ballots. The results from Clifton, Oak Grove, River Falls and Trimble are Fran Stark and Mike Zipko; from Diamond Bluff, Trenton, Hartland and Isabelle are Mark Peavey and Steve Rosaaen; from Martell, Gilman, Spring Lake, El Paso and Ellsworth are Tim Wiff and Everett Muhlhausen. Voting was redone for the last member and the two alternates with Chairperson Barkla abstaining. Pichotta tallies ballots. The last member will be Jay Richardson, 1st alternate will be James Rasmussen, 2nd alternate will be David Matthews. Chairperson Barkla asked Pichotta if he would be notifying each applicant. Pichotta answered yes. **Nellessen moved to appoint the following individuals as members to the Smart Growth Planning Committee; Richard Holst, John Danneker, Francis Stark, Mike Zipko, Mark Peavey, Steve Rosaaen, Tim Wiff, Everett Muhlhausen, Jay Richardson with 1st alternate James Rasmussen, 2nd alternate David Matthews/Sanden seconds. All in Favor. Passed.**

Departmental Update and Future Agenda Items

Public hearing to consider Ordinance changes to Shoreland, Light Industrial, Retreats, etc
Rezone request from Primary Agriculture to Agriculture Residential in the Town of Trimble
Conditional use permit for expansion of nonconforming structure in Town of Diamond Bluff
Proposed amendments to the UAN system

Discuss take action on election of committee citizen member

Pichotta stated the committee could again meet before the next meeting to interview the three interested applicants, Bill Schoeder, Joe Fetzer and Jim King. The applicants would be asked what they see as the big issues facing Pierce County and how they would approach those issues. It was determined there would be a special meeting at 6:15pm on Feb. 6, 2008 before the Land Management Committee Meeting to conduct interviews. Pichotta will contact the applicants by letter.

Motion to adjourn at 7:48pm by Holst/Nellessen seconds. All approve. Motion carried.

Respectfully submitted by S. Hartung

**MINUTES - Pierce County Land Management Committee Meeting
February 6, 2008**

Present: Paul Barkla, Jeff Holst, Don Nellessen and Eric Sanden.

Others: Andy Pichotta, Jim Kleinhans, Emily Lund, Brad Roy and Shari Hartung

Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 7:00 p.m. in the Pierce County Board Room, Ellsworth, Wisconsin.

Next Meeting Dates: February 20th, March 5th and 19th, in 2008.

Approve minutes; **Nellessen moved to approve both sets of minutes for the January 16, 2008 LMC meetings/Sanden seconds. All in favor. Motion carried.**

Sanden moved to reorder the agenda with items #6 & #7 being heard after item #2/Nellessen seconds. All in favor. Passed.

Public hearing to consider a request to rezone from Primary Agriculture to Agriculture Residential District by Steven & Rhonda Davison, owners of a parcel of land located in the SE ¼ of the NE ¼ of Section 5, T26N, R18W, Town of Trimbelle, Pierce County, WI. Chairperson Barkla invited Mr. & Mrs. Davison forward: Mrs. Davison explained they would like to rezone their property they are currently Primary Agriculture, which doesn't properly describe the land. There are a lot of large, well developed trees and it has never been farmed. They are also considering building another home but with the density what it is now they would be unable to do so. Nellessen asked if the property is all in trees. Mr. Davison answered yes. **Staff Report – Emily Lund:** The property is approximately 32.150 acres. The zoning district descriptions are in the staff report. The Trimbelle Town Board recommended approval of this request at their January 8, 2008 meeting noting that the parcel to be rezoned is a wooded parcel and historically has never been actively farmed; note that staff has previously raised concerns about density and rezones to Agriculture Residential in the Town of Trimbelle; however, the Town has since adopted a 2.5 minimum lot size. The Land Management Committee has approved similar request in the past several years. The Pierce County Land Management Plan states that; "The pattern of land use and the allowable housing densities or lot sizes will be designed to accommodate the desires of each Township," and that "The County will continue to work with the towns to create town-specific land use policies." Adjacent land uses include woodlands, agriculture and several small residential parcels. Adjacent zoning districts include Primary Agriculture and General Rural. Soil maps are attached to the staff report. Four types of soils were identified on the property. **Staff Recommendation:** Staff recommends that, due to the factors discussed above, the Land Management Committee approve this rezone request. If approval is granted, staff will forward the recommendation to Pierce County Board of Supervisors. **Chairperson Barkla opened the hearing to the public. No public comments. Public hearing closed. Holst moved to approve the rezone request from Primary Agriculture to Agriculture Residential and forward a recommendation to the County Board of Supervisors/Nellessen seconds. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit to expand a nonconforming structure in the Rural Residential 20 District for Phillip Carlson, owner of a parcel of land located in the SW ¼ of the SE ¼ of Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Barkla invited Mr. Carlson forward: Mr. Carlson explained that he has owned the property for approximately 20 years and would like to expand the structure by adding an elevator to make it more accessible. It is a four-story house but only going three-stories with the elevator. He stated he tried to put it inside the house but there wasn't a good place for it. Holst asked if the elevator would encroach closer to the road than the house already does. Mr. Carlson stated no. Mr. Carlson presented a larger blueprint for to the committee to review. Sanden asked what the total height would be. Mr. Carlson stated 34 ft. Nellessen asked where the back lot line is. Mr. Carlson stated he

considers the river the front view and it wouldn't be visible. **Staff Report – Jim Kleinhans:** Mr. Carlson is requesting a conditional use permit to expand his nonconforming structure. He has a building located on a corner lot. Staff evaluated all the setbacks to see if setback averaging would grant him the relief – as he needed to put the elevator on the side of his house. Staff determined it could not be done administratively because of the vision clearance triangle issue. His residence is a large structure that covers most of the 80 ft sq lot. The setbacks off of 290th Ave were evaluated based on averaging from the adjoining structure. The proposed addition is 65.6 ft from 290th Ave and with averaging, it could be 55 ft. But the vision clearance triangle is an issue. It's determined by going 150 ft from the intersection on town roads - this is the reason Mr. Carlson is here. Residential development in the Rural Residential 20 District limits impervious surface areas to 40% of the lot size. If you consider all the buildings, driveway and sidewalks on the lot it figures about 52.8% of the area. Staff checked with Corporation Counsel and noted that Mr. Carlson owns lots on the other side of the levee area. If those are included it falls to less than 40% impervious surface area. Corp Counsel recommended that we include those lots as long as they are adjacent. The Mississippi River is adjacent to this property located along 290th Ave. The 100 year floodplain elevation at the site is in the vicinity of the town road at elevation 687. The existing building meets ordinary high-water mark setbacks and is mapped and in the flood fringe. The USGS Quadrangle Map contour comes in at the 700 foot elevation. Because we're dealing with a 20 foot contour interval it's hard to determine the exact elevation of the building. Residential structures are allowed in the flood fringe provided that services are not below base flood elevation. The lowest floor of the building including the elevator should be at the regional flood elevation or no lower than 687. The residence is considered a nonconforming structure due to road setback standards so a conditional use permit is required. In the code there is a provision for ramps, landings elevator housings, etc. which are intended to comply with requirements of the Americans with Disabilities Act and fair housing laws, however, Mr. Carlson is not handicapped at this time. It's hard to justify that. He's planning for the future. The Town of Diamond Bluff supported this request. The proposed building expansion meets the intent of the code. **Staff Recommendation:** Staff recommends the Land Management Committee approve this conditional use permit for the building expansion provided the committee does not find this proposal contrary to the public interest, safety and welfare along with the following conditions:

1. The applicant shall obtain a land use permit for the proposed building addition.
2. The architect shall verify the elevator is constructed at or above elevation 687 including the recommended 8 inch pit depth.
3. Any surface water runoff issues associated with the applicant's parcel shall be addressed to the County's satisfaction.
4. The construction shall be completed within 12 months from committee approval.

The Department of Commerce has a code, COMM 18, that regulates commercial elevators. By the end of the year their code may address residential elevators. If the construction is completed in 12 months it will preclude having to go through Dept of Commerce approval. **Chairperson Barkla opens the hearing to the public. No public input. Public hearing closed.** Sanden asked why the vision triangle is so large. Kleinhans explained the house is built close to the corner. On a County Road it is 200 ft from the intersection centerline and 300 ft on a State Highway. Holst stated Diamond Bluff was platted in 1854 and a lot of the homes were constructed before County Zoning. **Sanden moved to recognize this request is not contrary to public interest, safety and welfare/Nellessen seconds. All in favor. Passed. Holst moved to grant the conditional use permit for expansion of a nonconforming structure in Rural Residential 20 to Phillip Carlson with conditions # 1 – 4/Nellessen seconds. All in favor. Passed.**

Discuss take action on a request for a rule exception to the requirement of an erosion control plan for a 4 Lot, 1 Outlot, Major Certified Survey Map for John Holst, owner on property located in part of the NW ¼ and NE ¼, all in the NE ¼ of Section 14, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Barkla invited Morris Holst forward: Jeff Holst recused

himself from voting and discussion for possible conflict of interest. Mr. Holst explained John couldn't be here but they had originally been before the committee to do a plat. This is a faster way to divide the property. Oak Grove approved the CSM. **Staff Report – Emily Lund:** John Holst would like to have a rule exception to the requirement of the erosion control plan for his 4 Lot, 1 Outlot Major CSM. As noted in the staff report, rule exceptions per PCC Subdivision of Land § 237-30 state:

- A. Where the Land Management Committee finds that undue difficulties will result from strict compliance with the regulations of this chapter or better design will result, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such rule exception will not have the effect of nullifying the intent and purpose of this chapter.
- B. A majority vote of the entire membership of the Land Management Committee shall be required to grant any rule exception to these regulations and any rule exception thus granted shall be entered into the minutes of the Committee setting forth the reasons which, in the judgement of the Committee, justified the rule exception.

This property is located in the NE ¼ of the NE ¼ and the NW ¼ of the NE ¼ lying south and west of US Hwy 10 and northwesterly of 560th Ave, except that part lying south of Hwy as traveled June 1929 as described in Deeds of V168, P242, all in Section 14, T26N, R19W, Town of Oak Grove. Staff visited the site on 7-24-07. The location of the proposed shared driveway was staked out, slopes on site are stable and had much vegetative cover. It should be noted that the Town of Oak Grove requires a shared driveway to be brought up to town road standards when it serves three or more residences. Therefore the driveway will likely be, at some point in the future, brought up to town road standards. There were no erosion issues apparent on the site. The following are questions and policy asks them to be answered for this type of rule exception:

1. No roads are being constructed as part of the land division.
2. No erosion problems are present on the property (see above photo).
3. There are no problems with stormwater or surface water flow on the subject property or that originate on the subject property.

Because this request appears to conform with the policy regarding rule exceptions to the erosion control plan requirement, a request by John Holst, Major CSM approval follows this agenda item.

Staff Recommendation: Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception. **Sanden moved to approve the rule exception requirement to the erosion control plan finding that, per LMC policy;**

1. **No roads are being constructed as part of the land division**
2. **No erosion problems are present on the property**
3. **There are no problems with storm water or surface water flow on the subject property or that originate on the subject property/Nellessen seconds. All in favor with Jeff Holst not voting. Passed.**

Discuss take action on approval of a 4 Lot, 1 Outlot, Major Certified Survey Map for John Holst, owner, on property located in part of the NW ¼ and the NE ¼, all in the NE ¼ of Section 14, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Barkla invited Morris Holst forward: Jeff Holst recused himself due to a possible conflict of interest. Mr. Holst stated again he is here for the approval of the 4 Lot CSM. **Staff Report – Emily Lund:** Surrounding land use is predominantly agricultural with some residential. Zoning district is General Rural Flexible 8, meeting zoning density allowing seven residential lots. The Town of Oak Grove minimum lot size of 3 acres is met and approval of the CSM and driveway access was granted on 1-21-08. Per § 237-17(B)3, staff reviewed if the land was subject to any hazards to life, health, or property; no such hazards were found. To promote public safety when the shared driveway becomes a town road, we require that an Avenue designation be made and that it be numbered 568th Ave. Applicant will need to obtain a Notice of Intent (NOI) Permit from the DNR, for disturbing over 1 acre of land. Soil tests were completed with conventional and mound septic systems recommended. Existing slopes are identified on a contour map inside the packet. **Staff Recommendation:** Since the rule exception has been granted to the erosion

control plan requirement, staff recommends the Land Management Committee approve this major CSM with the following conditions:

4. A 'Notice of Intent' (NOI) Permit from Jim Devlin, WI DNR, for disturbing over 1 acre of land shall be obtained prior to the construction of the driveway, if required.
5. After the construction of the proposed shared driveway, the developer shall obtain and place a road sign identifying it as "568th Avenue" near the intersection with 560th Avenue.
6. After the construction of the proposed shared driveway, the developer shall obtain and place a stop sign at the intersection of 568th Avenue and 560th Avenue.
7. After the construction of the proposed shared driveway, the developer shall obtain and place a dead end sign near the entrance of 568th Avenue.

Sanden asked about the 1929 road bed being irrelevant. The access is 560th Ave. Lund explained that's just a parcel remnant that is on the map. The road is looped that's why it's an Avenue. **Nellessen moved to approve the 4 Lot, 1 Outlot, Major Certified Survey Map for John Holst with conditions # 1 – 4/Sanden seconds. All in favor. Passed.**

Public hearing to consider proposed amendments to Chapter 240 of Pierce County Code; Zoning; regarding Shoreland, Industrial and Light Industrial Uses, Retreats, Off-street parking and Conditional Use Permits. Brad Roy Reports: Staff has become aware of a number of inconsistencies between Chapter § 240 and NR 115, Wisconsin's Shoreland Management Program. Staff has modified Chapter § 240 to ensure consistency with NR 115. Staff, in 2007, presented a request for the "classification of an unclassified use" to the Land Management Committee based on "retreat" type activities proposed by the public. The LMC directed staff to develop a new conditionally permitted use to address this request. Staff has developed language that would treat "Retreat Centers" as a conditionally permitted use. Also proposed were revisions to Chapter §240 that will better provide clarity to the public and staff, including; definitions of light and heavy industrial uses, off street parking requirements, and to clarify that revocation of a CUP by the LMC is discretionary. The LMC has previously reviewed all proposed amendments. The first one is Shoreland, you heard this in detail before, would you like to go through the language line by line again? Sanden asked if anything had changed. Roy stated no. There are new definitions for Heavy Industry and Light Industry. The definitions were read to the committee. Nellessen asked if we have a definition for excessive noise, a decibel reading or something. Pichotta stated that such a determination would be discretionary and would fall on the committee. A noise generated inside of a structure could be mitigated. If it produces excessive noise it would fall under heavy industry. Kleinhans the code addresses noise under one section for sawmills and planing mills; with further setbacks from dwellings with a minimum of 500 ft other than the owner or operator and noise levels that exceed 55 decibels. Roy, in Sec 240.37.1 there is a word change, in Sec 240-54 we're now referring to WI Administrative Code instead of COMM 52.04, Sec 240-76, conditional use permit; the committee can terminate if not in conformity with the permit, Sec. 240-36 Retreat Centers, all of this was added, the definition is; a facility or facilities used for professional, educational, organizational or religious meetings, conferences or seminars and which may provide meals, housing and recreation for participants. The seven conditions were read. Sanden asked Brad to explain the contradiction between condition #1 & #2. Roy stated that general public is not the participant. We don't want these turning into restaurants and hotels. Eugene Schommer, Board member for Town of Oak Grove, asked what the difference is between the changes for Light Industrial. They just zoned some Light Industrial in their township. When does Light Industrial change to Heavy Industrial? Brad stated when you go outdoors, creating excessive noise, dust, etc makes it heavy industry. Pichotta stated basically what was there was very specific, metal plating, thermal forming of plastics, rather than try to think of everything that might be done in light industrial now the County has established some parameters; Light Industrial has to be all indoors and doesn't generate hazardous materials. Diana Smith, Town of River Falls, questioned everything being indoors. Can the business have poles, etc outside or stored off-site while the business is inside? Pichotta stated with Light

Industrial, we want everything indoors. Sanden asked why everything wasn't spelled out in Light Industrial since we did that for Heavy Industrial. Kleinhans stated he was the one that started this ordinance amendment and they put all the exceptions to Light Industrial in Heavy Industrial and then came up with the explanation for Light Industrial. **Public hearing closed. Holst moved to adopt the proposed revisions to Chapter 240 of Pierce County Code; Zoning; regarding Shoreland, Industrial and Light Industrial Uses, Retreats, Off-street parking and Conditional Use Permits and forward a recommendation to the Finance and Personnel Committee/Sanden seconds. All in favor. Passed.**

Public hearing to consider proposed amendments to Chapter 115 of Pierce County Code; Numbering of Buildings and Roads. Brad Roy Reports: A recent review of Chapter 115 resulted in the determination that several modifications are necessary. The Land Management Committee reviewed the proposed revisions late last fall and directed staff to schedule a public hearing to consider adoption of the proposed revisions. Proposed revisions are as follows:

§115-3 (F)

The Pierce County Land Management Department shall issue no ~~zoning or sanitation permit~~ Land Use Permit until the parcel for which the permit is intended has been ~~assigned a number~~ approved for a driveway permit or written access approval granted by the appropriate town, county, or state agency and issued an address consistent with the Uniform Numbering System. Upon ~~inspection of the private sanitary system~~ submittal of the driveway permit or access approval Land Use Permit, the Pierce County Land Management Department ~~employee who performs the inspection shall assign, record and leave at the site a sign conforming to Subsection D of this section~~ staff will assign, record, and issue an address number. The sign may be picked up from the Pierce County Department of Land Management Office or may be sent to the applicant via US Postal Service. The cost of the sign shall be established by resolution of the County Board and shall be paid by the landowner at the time of application or prior to pickup or mailing. ~~paid by the landowner at the time of receiving the permit.~~ **Staff**

Recommendation: Staff recommends the Land Management Committee review the proposed revisions, and if appropriate, approve the ordinance with the proposed revisions and send the approved version to the Finance and Personnel Committee for review. **Chairperson Barkla opens the hearing to the public.** Diana Smith asked if they will continue to proceed with the same documentation. Lund stated yes, we will need the driveway approvals from the townships. Pichotta stated we want address numbers assigned to any location where there is construction going on for emergency response units if necessary. **Public hearing closed.**

Sanden moved to approve the proposed revisions to Chapter 115 of Pierce County Code; Numbering of Buildings and Roads and forward a recommendation to Finance and Personnel/Holst seconds. All in favor. Passed.

Don Nellessen left the meeting at 7:50pm.

Discuss take action on Concept Plan approval of Higbee Addition to Trenton by Brandon King, agent for Walter & Marion Higbee, owners on property located in the SE ¼ of Section 3 and the SW ¼ of Section 2, in T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Barkla invited Brandon King forward: Mr. King explained that his clients would like to subdivide their property and to extend the existing road west, on the east side of the property. This is on the backwaters of the Mississippi River and the only portion of the property in the flood zone is in the low lying areas. **Staff Report – Emily Lund:** This property is located southeast and adjacent to the C. Mahler property. A portion of the proposed plat was included in a 1984, 1985 and 2002 archeological study that is referred to as the “Adams archeological site.” Review of Figure 5.2.2-7 of the study report, indicates that Native American burial mounds have been identified on the applicant’s property. Sec 237-3(E) states that the purpose of this chapter is to promote public health, safety, aesthetics and general welfare and to “Provide for adequate light and air; provide for erosion control and protection of the natural environment, aesthetics and historical sites.” An archeological survey may be necessary to

ensure appropriate protection of historic and archeological resources located on the site. Surrounding land use is residential and agricultural. This land is not in the Farmland Preservation program. The zoning district is Rural Residential 20. 14 residential lots are allowed on the property but 8 new building lots are proposed for this plat. The Town of Trenton's minimum lot size of 1-acre is met and they approved the concept plan on 8/20/2007. The lots meet slope requirements. As Brandon indicated there is floodplain and floodway located near the southern borders of Lots 4-8. **Staff**

Recommendation: Staff recommends the Land Management Committee approve this concept plan with the following conditions:

1. Applicant shall secure preliminary plat approval prior to beginning construction of roads or installation of erosion control and stormwater measures.
2. Applicant shall contact the DNR to ascertain the need for an archeological assessment/study of the site. Pierce County shall be provided copies of any correspondence relating to this issue. Any required assessment/study shall be completed prior to application for preliminary plat approval.
3. Applicant shall investigate need for dedication of public access to Mississippi River per §236.16, Wis. Stats. Any documentation shall be provided to Pierce County.
4. Applicant shall obtain all necessary sign permits.
5. Applicant might consider shortening the plat name to "Higbee Addition."
6. The future town road shall be labeled as "Outlot 2" or noted as "Dedicated to the public".

Brandon King stated the plat to the east required a 66 ft easement be dedicated as public access to navigable water. The State requires a 66 ft access every half a mile along there. The property to the west had an archeological study. There are a few spots on this subdivision site. He has talked to a guy from Mankato. This will be addressed. Sanden asked if he had any idea where the archeological sites are located. Mr. King stated yes, he worked with another firm at the time that has the maps. He felt he could get a hold of those maps. Lund has had contact with a State Archeologist, John Broihan, who stated a complete shovel and hand borings of intervals with a diameter of 3 – 4 ft would have to be done. With this area, a stripping to the plow layer and studying the soil beneath would be more appropriate. He felt it would be prudent for us to go forward with that type of study since there were 97 sites found in the "Adam Archeological Site". Sanden asked if it isn't prudent for the owner to do this before selling any of the sites. Lund, I believe we covered that in condition #2. The contact would be Jim Devlin. Sanden addressed the other issue about access within a half mile. Lund, I haven't looked into what was done on the previous plat to determine if that is accurate. Pichotta stated he believes what Brandon said is accurate, however we will need him to verify. Mr. King asked if it would be just the areas disturbed or the entire area? Lund stated he would have to provide a property boundary map so the archeologist could determine where to dig. The archeologist will give you an estimate of the cost. She will provide a contact list to Mr. King. **Holst moved to approve the Concept Plan for Higbee Addition to Trenton for Walter & Marion Higbee with conditions # 1 - 6/Sanden seconds. All in favor. Passed.**

Discuss take action on recommendation to County Board of Supervisors regarding election of Citizen Member to the Land Management Committee. Andy Pichotta reports: Pichotta stated Citizen Member, Pat Harrington has resigned. There were three applicants invited to be interviewed before the meeting. Two applicants were interviewed. Mr. King dropped off a letter withdrawing his name. The two applicants are Joe Fetzer from the east end of the County and Bill Schroeder from Trenton Township. The committee will make a recommendation to the County Board to vote on. Historically, we have tried to consider geographic location across the county. It should be noted that everyone on the committee with the exception of Don Nellessen is from the west of Ellsworth. We have tried not to have realtors or land developers on the committee due to the potential for a conflict of interest. Chairperson Barkla stated he felt since Mr. Nellessen sat in on the interviews it might be prudent to wait for Mr. Nellessen to vote on the Citizen Member. Holst stated they could wait until the next meeting on the 20th to make a decision and it could still be on the County Board agenda. No action taken.

Committee to convene into closed session pursuant to WI § 19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; to-wit: performance evaluation of Administrator/Planner. Holst moved to convene into closed session/Sanden seconds. Roll call vote. Barkla, yes. Holst, yes. Sanden, yes. Passed. Convene into closed session at 8:12p.m.

Motion by Holst/seconded by Sanden to return to open session at 8:40 pm. Roll call vote. Barkla, yes. Holst, yes. Sanden, yes. Motion passed unanimously.

Motion by Holst/seconded by Sanden to approve a step increase for the Land Management Administrator based upon a satisfactory annual review. Motion passed unanimously.

Departmental Update and Future Agenda Items

Proposed amendments to the St. Croix Riverway Ordinance.

Motion to adjourn at 9:00pm by Holst/Sanden seconds. All approve. Motion carried.

Respectfully submitted by S. Hartung

**MINUTES - Pierce County Land Management Committee Meeting
February 20, 2008**

Present: Jeff Holst, Don Nellessen. Paul Barkla via telephone.

Others: Andy Pichotta, Jim Kleinhans and Shari Hartung

Absent: Eric Sanden

Chairperson Nellessen called the Pierce County Land Management Committee meeting to order at 7:00 p.m. in the Pierce County Board Room, Ellsworth, Wisconsin.

Next Meeting Dates: March 5th and 19th, in 2008.

Approve minutes; **Barkla moved to approve the minutes for the February 6, 2008 LMC meeting/Holst seconds. All in favor. Motion carried.**

Discuss take action on proposed amendments to Chapter 239 of Pierce County Code; St. Croix Riverway Ordinance: Pichotta reported. Pierce County adopted this ordinance some time ago, prior to adoption it was sent it to the DNR for review and approval. It was received back just short of a year later. The one real substantive change requested is language that would require an affidavit be recorded noting that a mitigation plan has been approved and is in effect for a property. Folks that have attended previous LMC meetings have been very adamant about not wanting that requirement. I've had a number of conversations with people within the riverway, including one with Frances Ogden, who stated he has debated this issue with the DNR and felt it could be included as long as the DNR wasn't specific about what needed to be included in the affidavit. What I would suggest is putting the language in the ordinance, but recognizing in the affidavit that once a mitigation plan has been completed to the satisfaction of the Department, the mitigation plan is no longer in force, essentially option #3 in the staff report. If the LMC is in agreement I would suggest that staff be directed to schedule a public hearing to consider adoption of the proposed changes. **Barkla moves to create language in the ordinance that will require an affidavit regarding mitigation be recorded with the Register of Deeds and to direct staff to schedule a public hearing to consider adoption/Holst seconds. All in favor. Passed.**

Discuss take action on the potential development of a National Flood Insurance Program Community Rating Application. Staff Report – Jim Kleinhans: In January I went to a training session sponsored by FEMA where I learned about the Community Rating Program. There aren't a lot of communities in the state that participate. There are \$200 million in discounts available throughout the country. The majority of that is used in Texas, Louisiana and Florida. The Wisconsin communities that are participating are Ozaukee County, City of Eau Claire and a couple other counties in the state. Looking in the past at some of the things Pierce County has done; I think we would qualify for a certain number of points. Some things are the Trenton Island Buyout, updating our floodplain maps and floodplain code when it's required. The last time was 2004. We have a flood mitigation plan. We're doing a flood warning system on the high-hazard watershed structures out in the county. There are other things you can do like outreach proposals to promote flood awareness and flood insurance. The staff report has the list of things required as far as the application which could take up to 12 months. Gary Lepak, WI DNR, has agreed to help us with that. There is an informative website that can walk us through the process. I wanted the committees input before staff spent a considerable amount of time working on this to see if we would qualify for a rating from 10 down to 9 which would offer a 5% discount to people that have to have flood insurance throughout the county. Nellessen asked if there are any negative impacts on land owners. Kleinhans stated he feels it's a benefit for anybody that has flood insurance. They could get a discount. One downside is that they will do a community assistance visit (CAV). There is the potential to expose some things that may not be up to FEMA

standards. In 1992, Tyler Miller came up from Chicago and our program was not in compliance with elevation certificates and the way things were documented in the floodplain. Personally, I think everything is in order. We offer the ability for people to elevate their buildings out of the floodway. We did one on Trenton Island and there is another one in the works right now. The only downside would be, they would have to spend time in our office reviewing records, our code and maps. **Staff Recommendation:** Staff recommends spending additional time and effort if you feel it would benefit the County. Pichotta stated that if he understands #1 – 6 correctly, we could begin the process and if substantial negatives are identified, we could decide to not pursue application. **The LMC directed staff to pursue the application process and gather additional information for committee consideration.**

Discuss take action on recommendation to County Board of Supervisors regarding election of Citizen Member to the Land Management Committee. Pichotta reported: Pichotta stated that two applicants who are interested in being on the Land Management Committee as a Citizen Member to fill the position vacated by Pat Harrington were interviewed. The first being Bill Schroeder from the Town of Trenton and the second being Joe Fetzer from the Town of El Paso. Mr. Nellessen had left the meeting prior to this item being heard and we deferred because Mr. Sanden had not had an opportunity to hear the two individuals interviews. **Barkla moved to nominate Joe Fetzer for election as a Citizen Member on the Land Management Committee and forward a recommendation to the County Board/Nellessen seconds. All in favor. Passed.**

Departmental Update and Future Agenda Items

25 year Farmland Preservation Agreement for Hilton Fiedler
Rezone request from Industrial to Light Industrial in Diamond Bluff
Rezone request from General Rural Flexible 8 to Light Industrial in Clifton
Expand/Intensify for Vino in the Valley and for the Farmers Market and Gift Shop

Motion to adjourn at 7:17pm by Barkla/Holst seconds. All approve. Motion carried.
Respectfully submitted by S. Hartung

**MINUTES - Pierce County Land Management Committee Meeting
March 5, 2008**

Present: Paul Barkla, Jeff Holst, Don Nellessen and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

Absent: Joe Fetzner

Chairperson Barkla calls the Pierce County Land Management Committee meeting to order at 7:00 pm in the Pierce County Board Room, Ellsworth, Wisconsin.

Next meeting dates: March 19, 2008. Pichotta stated that in keeping with the past schedule of the 1st and 3rd Wed of each month, the dates would be April 2nd & 16th, May 7th & 21st and June 4th & 18th.

Approve Minutes: **Holst moved to approve minutes for the February 20th LMC meeting/Nellessen seconds. All in favor. Passed.**

Public hearing to consider a request to rezone from General Rural Flexible 8 to Light Industrial by George Jacques Trust, owner of parcels of land located in the SE ¼ of the SE ¼ of Section 35, and the SW ¼ of the SW ¼ of Section 36, T27N, R20W, Town of Clifton, Pierce County.

Chairperson Barkla invited Dave Hiniker and George Jacques forward. Mr. Hiniker explained that George has 30 acres right on Hwy 29. The front 600 ft is Light Industrial and the back is General Rural Flexible 8. They are requesting to make it all Light Industrial. Sanden asked what the current use of the parcel is. Mr. Jacques stated ag and there are buildings. **Staff Report - Jim Kleinhans:** Mr. Jacques requested the first 600 ft of this property be rezoned back in 2002. The adjacent land uses are a county highway shop and tower facility, one residence and woodlands. Mr. Jacques owns 186 acres on the north side of Hwy 29, approximately 31 acres are zoned Light Industrial and is requesting to add an additional 20 acres. Current zoning is General Rural Flexible 8. The applicant wants to change the zoning because he doesn't feel it's a good area for residential development. There are five different soil types on the land of which three are good ag soils. Mr. Jacques does more of a commodity type production instead of family farming. The Land Management Plan had this area designated for Rural Residential 8 but the Plan also states acceptable locations for future designation for commercial and industrial areas are along major county highways and adjacent to villages and cities. The driveway access is being modified. The DOT is working with the Town to allow this area to be developed and create some lots for industrial development. **Staff Recommendation:** Staff recommends the Land Management Committee, upon consideration of the natural existing buffers and location along Highway 29, support this site for industrial development and forward a recommendation to the County Board of Supervisors. **Chairperson Barkla opened the hearing to the public. No public comment. Public hearing closed.** Sanden stated he sees that the area is feasible for the rezone, adjacent to Light Industrial and near the highway but one concern is the good ag soils. In the future is there a way to have the GIS Dept inventory or track the prime ag land soils. Keep a track line as to when we're converting too much prime ag land and statewide importance. Kleinhans stated if you look at the zoning map of the Town of Oak Grove just south of this property, there is a large area of Light Industrial District which is made up of a lot more prime ag land than this. I'm looking at trends in the development in the area when making a recommendation as well. Certainly we want to protect prime ag lands but sometimes you have to look at potential locations for economic development. There is some Light Industrial out there and will be more if Oak Grove ever develops. Sanden stated he is certainly aware of that and is just concerned about the big picture of conversion of prime ag land. Pichotta stated that developing GIS layer to track conversion rates would be a huge undertaking since we don't have a digitized soils layer. We use the soils layer from NRCS. Sanden stated the internet already has a county soils survey. Pichotta stated to actually come up with the amount of Class 1 and Class 2 areas there are present would require digitizing the soils maps. One other thing that should be noted is that this area is located within the City of Prescott Extra Territorial Zone and it appears that they may decide to exercise that authority. **Holst moved to approve the rezone request from**

General Rural Flexible 8 to Light Industrial and forward a recommendation to the County Board of Supervisors/Sanden seconds. All in favor. Passed.

Public hearing to consider a request to rezone from Industrial to Light Industrial by Paul Larson, owner of a parcel of land located in the SW ¼ of the SW ¼ of Section 18, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Chairperson Barkla invited David Deml forward: Mr. Deml, representing Mr. Larson, explained that they are requesting to rezone 6 acres from Industrial to Light Industrial to try a flea market this summer on the property. It's currently farmland.

Staff Report – Jim Kleinhans: Mr. Larson recently purchased the property from a developer. He owns the entire piece from his operation, a transfer station all the way down to County O to the county shop. The existing Industrial operation that Mr. Larson owns and operates is about 4.29 acres. The land use plan the Town of Diamond Bluff submitted to the County in 1996 showed that this area would be designated for industrial uses. What Mr. Larson wants to do is have a retail facility that could not be permitted under the industrial district. There are some surface water issues and parking issues that would be addressed. Principle soil types found on the soil maps shows prime ag land and some of statewide importance. The Town of Diamond Bluff did recommend approval of this rezone, noting that it would be a better use of the land. **Chairperson Barkla opened the public hearing. No public comment. Public hearing closed.** Holst stated as far as the Town of Diamond Bluff was concerned this is a down zone and less intrusive use of the property. **Holst moved to approve the request for rezone from Industrial to Light Industrial and forward a recommendation to the County Board of Supervisors/Nellessen seconds. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit to expand/intensify “Vino in the Valley,” a farm and home based business, by Larry Brenner, owner of property located in the SW ¼ of the NE ¼ in Section 33, T26N, R16W Town of EL Paso, Pierce County. Chairperson Barkla invited Larry Brenner forward. Mr. Brenner provided information on his first year in business, stating he planted 1800 plants and will add another 300 this year. The first vines should be producing in the fall of 2010. He stated he is seeking to create a market for it. In this first season they sold 149 cases of local wine from Minnesota and Wisconsin with the VINO label. He stated that he has been most concerned about the impact in the valley and getting the neighbors involved. Mr. Brenner presented a map showing how many neighbors are involved; are employed, help build or landscaped his facility, or have planted pumpkins. The first year was a learning experience and some modifications are necessary to make it a success. They can accommodate 120 people without adding on to the building and would add the additional parking spaces. Thursday nights were great right from the beginning and Saturdays took a while. In October they eliminated Thursday nights and added Sundays. The weather wasn't good. They would like to catch the day-trippers on the weekends. The goal is to have Saturday nights to do private events. The music is a big issue with the neighbors. Mr. Brenner would like to have the committee come down to see if it can be heard in different areas. He noted that he is requesting the ability to be open additional days. Chairperson Barkla asked Mr. Brenner what his plans are for the future. Mr. Brenner stated he would like to do something with his land that is different and create a market for it, so he can slow down a little bit, get out of the Twin Cities. He now realizes he can't make it on one day a week. **Staff Report – Brad Roy:** I think everyone is familiar with this operation. Mr. Brenner is asking for an increase in the seating, to allow live music amplified through the PA system, increase the number of days and modify the hours. The existing permit states the seating capacity shall not exceed 80 people. Mr. Brenner is requesting the seating be increased to 120 people. Parking spaces are calculated off of seating capacity so an increase to 120 would require 40 parking spaces. **Condition 14** states: No amplified live music shall be allowed and band shell shall be constructed. The applicant is requesting that live music be allowed to be amplified through a P.A. system. A gazebo with a back wall was placed on the property to be used as a band shell but is not used because the patrons cannot hear the music from there. There have been reports that the musicians have amplified the music through the P.A. system, although the Zoning

Office has been unable to confirm those reports. Several neighboring property owners have complained about noise levels. The LMC has discussed the noise issue in the past, but have not been able to develop a method for gauging its impact on the surrounding land owners. **Condition 8** states: Hours of operation shall be 4pm to 10pm with lights out by 11pm May through September and 4pm to 10pm with lights out by 11pm Monday through Friday and 10am to dusk Saturday and Sunday, October through December. Applicant shall not exceed 45 days of operation per year. The business shall be open no more than two days per week, with activities no more than two days in a row. The applicant is requesting that the hours of operation from April 24th to September 28th be Thursdays 4pm to 10pm with lights out at 11pm; Saturdays 4pm to 10pm for the public with lights out at 11pm and allow for any charity or special private event from 12pm to 4pm; Sundays 12pm to 8pm. From October 4th to October 26th and December 6th to December 21st the hours shall be Saturday and Sunday 12pm to 6pm.

This proposal would result in 83 days of operation. The request lists specific dates of operation which may result in scheduling problems in future years. LMC may want to consider placing a limit on the number of days of operation and establishing hours of operation while being more general with the dates. The Town of El Paso heard this request on January 30, 2008. The Town is in favor of increasing the seating capacity to 120 and increasing the days of operation to 75 per year including the added hours of 12pm to 4pm on Saturdays, and 12pm to 8pm on Sundays. The Town recommended denial of the request to digitally enhance live music. The original permit is to expire on March 21, 2008. An approval of this request would essentially terminate the original permit and this approval would need to address all appropriate conditions. Unchanged conditions are listed in the staff report. If no action is taken on this request, the LMC must determine a course of action to address an upcoming agenda item regarding renewal of the original permit. The LMC might consider temporarily extending the original permit until such a time as they are able to take action on the request to expand/intensify. An extension of the term of the original permit could be approved by at the next LMC meeting with a Discuss/Take Action agenda item.

Staff Recommendation: Staff suggests that the LMC consider deferring action on this request until a site visit (potentially during leaf-on and leaf-off conditions) can be conducted to attempt to quantify acceptable levels of sound from the P.A. system. This may be helpful in determining whether amplified live music (and at what level) is reasonable.

Staff also suggests that the 45 days of operation that have taken place thus far may not be adequate to accurately assess the total offsite impacts of this operation and the success of strategies to mitigate those impacts. For this reason, it may be premature to consider granting a request to increase the number of days of operation by approximately 84%.

However, if the LMC determines that it possesses adequate information regarding this proposal and its impact on the public interest, health, and safety or character of the area, then a decision regarding this request would be appropriate. If the LMC opts to act on this request, each proposed expansion/intensification should be addressed through a separate condition and the original conditions (1-8) listed above should be included in any motion.

Chairperson Barkla opened the hearing to the public. Brian Fitch, Town of El Paso, also speaking for his wife, stated that they remain in opposition to Mr. Brenner's operation. He was concerned that Mr. Brenner is allowed to have private non vino in the valley parties and that amplification of live music is allowed at these parties. He is asking that the committee not approve this request for intensification. Mike Waterman, an attorney from Hudson, is representing Chris Chard who couldn't be here. Mr. Chard lives at W3948 465th Ave and his main complaint is the noise. He suggested that for all intents and purposes we're dealing with a restaurant or tavern. It serves food, drinks, alcoholic beverages and has live entertainment. All of that comes with a certain level of noise and it's an open-air facility; it's the P.A. system, the announcements and the singing. What they're asking for is just not compatible with General Rural District and the surrounding area that they're in. So I would ask that the

committee deny the request at this time. Mike Brose, an attorney representing Mr. Brenner, stated that Mr. Barkla asked the same question he was thinking when he asked what his future plans are. There really isn't any tremendous risk in granting this permit. It's a conditional use permit, there is going to be a renewal, there is going to be enforcement and all of us have some conflicts in our uses for properties and you have to resolve those by balancing. For example if decibel levels is violated, you have enforcement over that. It can be objectively measured by going out to the property to see if those tests that have been set up to determine whether or not this violates the standards are met. If you take him at his word, that last year was a learning experience than we are in no different position than last year. Sharon Hills, Town of El Paso, speaking on behalf of herself and Becky Bersch, we have all the same objections, it's only amplified now because he wants to expand the operation. He is operating a restaurant under a farm & home business, it's not an event. Taking Mr. Brenner's word for it, we all had Mr. Brenner in our yards stating that it was a one night only event. Then we were here last fall for expanded hours, now we're here for more expansion. A restaurant is not a farm & home business. We have reported the noise often, because he was amplifying the music in violation, now he is asking for more. I'm asking that you deny his request or at least defer it. We can hear it and we're from a quarter to a half mile away from his property. Pichotta read an e-mail from Lavone Weer, an adjoining landowner who could not attend the meeting. My name is Lavone Weer, I reside in El Paso Township and my property adjoins Larry Brenner's. As you are aware Larry has established Vino in the Valley last year. When he went to the neighbors personally we where told that his plan was to pattern his venue after Pizza on the Farm and operate on Thursday nights, serve wine, pasta and play acoustic music. He said he did not want to operate on the weekends as he did not want traffic and people when he was home. Based on that I originally supported Larry, but very quickly his parameters expanded and now he is asking for even more. I request you to pass my objections along to the other board members for further expansion of days, hours and amplified music. I understand there is a meeting this Wednesday and I am unable to attend. Please call me if you have any questions or to inform me if there is someone else I should address this to. Barry Hager, closest neighbor to Larry, stated Larry met with him he told Larry that he is a business man first and if he told him what he was going to do, he would be OK with it. He has been to Vino in the Valley 3 times and enjoys it very much. Larry promised it would be one day a week. He told Larry it would take more than one day a week to make a go of it. Now Larry is asking for three days and stated the third day is tentative. He can hear the music at his place and would be opposed to amplified music. I would be opposed to three days because once you give it to him, it would be impossible to take it away. Ursula Platteter, a friend of the Brenner family who helps out at Vino in the Valley. In September, that was a private party for friends and family. Larry Westrum, River Falls, doesn't know Larry but has been to Vino in the Valley three or four times and enjoyed it immensely. He has never heard amplified music. Larry used the system to introduce himself and when people were singing That's Amore'. Larry Brenner stated he has had a private party every September for years. Mr. Brenner stated not one instrument was ever plugged in. He hosted some charity events and had to do it during his open hours. He would like to host them on Saturdays. The biggest issue is the music and he is willing to work with folks on that in order to make his business work. In essence he was only open 30 days last year. **Chairperson Barkla closed the public hearing.** Nellessen asked Andy what the difference is between amplified music and recorded music, if the volume is the same. Pichotta stated that there really isn't any difference. The original CUP stated no amplified live music, and was intended to address concerns that this might turn into a "Country Fest" where there would be live bands. If the volumes were identical it would likely be very similar. Nellessen asked if we could allow recorded music over the system if the decibel levels at the property line are at 55 decibels. If that is allowed for other businesses couldn't it be used for this? Pichotta stated that a conditional use permit is used to permit uses that have the potential for off site impacts and that conditions are set to address or mitigate impacts for that specific site, the actual off-site impacts and what worked on one site might not be the same, or work, at another. I recall what you are talking about and that was an Industrial application in an old quarry in Oak Grove. The committee decided that was adequate to address the noise concerns for that specific site and use. Sanden asked

Andy to respond on the concern that we're getting outside the realm of the farm & home based business. Pichotta stated the LMC previously permitted the Apple Ridge Orchard Restaurant & Gift Shop that is open Wednesday through Sunday 10am to 5pm. So there is past precedence in regard to using the farm & home business to permit restaurant type activity. Holst stated there is Nesbitt Nursery in Oak Grove that also has a coffee shop component. Nellessen stated he felt using the P.A. system is an appropriate request to allow the patrons to hear live music. There are different situations and businesses that operate 6 days a week. What better place to start to promote tourism in Pierce County. Chairperson Barkla stated that currently he has 45 days for operation and the expansion to 83 days would be an 84% increase. He was curious how the Town of El Paso came up with 75 days. Dan Fischer, Town of El Paso Planning Commission, stated it was a compromise. Some of the board was agreeable to the expansion and the other half wanted less. Sanden agreed with Don's points but because there are citizens against it, he felt the committee should defer to the Town of El Paso on the number of days. As far as the amplified music, last time we met we were discussing some objective means of measuring and we haven't done that yet. We could defer on the amplified music request and defer to the Town of El Paso as far as the seating and number of days. Nellessen stated when we heard the request for County Materials gravel pit there were a lot more people against it than there is here now. He is requesting a minimal amount of days. Sanden stated they had to come to a compromise to grant that conditional use permit. Holst stated it is unfair to compare this to County Materials' pit. We as a committee have erred because we haven't gone out to do these tests. Listen to it under a couple different scenarios. Chairperson Barkla, leaf off could be done soon but leaf on may not be able to be done until June. This would delay Mr. Brenner's hopes. It is important that we honor our commitment to do what we say we will do. With County Materials there was a lot of hard work to find ways to compromise. Chairperson Barkla asked Andy if there have been any complaints. Pichotta stated he received only one at the beginning of County Materials establishing their pit, that being that it was very ugly. Kirsten Schilling stated that is her district and she has received one complaint. **Nellessen made a motion to increase the days to 83 and defer the amplification until there has been a site visit. No second.** Pichotta reminded the committee that there are four changes requested. **Sanden moved to defer action on the amplification of live music, increase the seating capacity from 80 to 120, increase the days of operation to 75 days per year and including added hours of 12pm to 4pm on Saturdays and 12pm to 8pm on Sundays/Nellessen seconds.** Nellessen stated he feels it's unfair. No one can run a business on 45 days per year. We do not help promote business in Pierce County. Holst suggested amending the motion to satisfy the concerns of the neighbors. **Holst moved to amend the motion to 60 days of operation/Barkla seconds.** He stated a lot of times the Townships don't stand up for what they really want. They put it back on the County. We have a divided Township out there. That's not a nice place to live. I believe Mr. Brenner will do what he says because if he doesn't, he loses his conditional use permit. He has to sell his neighbors a little bit more than he has done so far. **Barkla, Holst and Sanden in favor, Nellessen against. Chairperson Barkla stated the amended motion is as follows: Increase seating to 120 seats, increase the number of days of operation to 60, modify the hours of operation as requested and defer action on the amplification of live music.** Pichotta makes a suggestion regarding leaf-on and leaf-off visits, stating the sound is going to carry greater during leaf-off conditions. If you were to make a determination of acceptable levels during leaf-off conditions, certainly those same levels would be acceptable during leaf-on conditions. If Mr. Brenner were comfortable with the committee making a visit just during leaf-off conditions, it could be accomplished with just one site visit. Mr. Brenner stated that would be fine. **Barkla, Holst and Sanden in favor. Nellessen opposed. Motion passed.**

Chair Barkla read the Public Hearing Notice for a request for a conditional use permit to expand/intensify a Farmers Market and Gift Shop, a Farm & Home Based Business, by Larry Brenner, owner of property located in the SW ¼ of the NE ¼ in Section 33, T26N, R16W, Town of El Paso, Pierce County, WI.

Pichotta referred the LMC back to the motion regarding the prior agenda item, noting that the motion didn't address a renew time frame and that conditions #1 – 8 from the original permit should be included. Roy stated the additional parking spaces also needed to be included. **Sanden moved to defer action on the amplification of live music, increase the number of days of operation to 60 days per year, increase the seating capacity from 80 to 120, modify the hours as requested and include conditions #1 – 8. No second.** Roy suggested that it might be better to not state “hours as requested” because the dates April 24th to September 28th will not fall the same next year. We specify from April through September and then state October through December. **Sanden moved to defer action on the amplification of live music, increase the seating capacity from 80 to 120, increase the number of days of operation to 60 days per year, increasing the hours of operation from April through September shall be Thursdays 4pm to 10pm with lights out at 11pm; Saturdays 4pm to 10pm for the public with lights out at 11pm and allow for any charity or special private events from 12pm to 4pm; Sundays 12pm to 8pm; from October through December the hours shall be Saturday and Sunday 12pm to 6pm, including conditions #1 – 8 from the staff report and adding condition #9:**

1. **The applicant shall comply with the restrictions for a farm and home based business.**
2. **Any proposed advertising signs or new construction shall receive all necessary permits.**
3. **Access shall comply with § 240-57.**
4. **All lighting shall comply with departmental policy.**
5. **All traffic shall be directed to use the Hwy 10 to 400th St to 450th Ave or Hwy 72 to Cty Rd CC to 450th Ave.**
6. **Applicant shall receive all necessary permits from all other state and local agencies (ie restaurant and liquor licenses).**
7. **This conditional use permit shall be reviewed for renewal in 1 year or if compliance issues arise. Applicant shall provide a “status report” to the LMC in 6 months. Issues raised by neighbors and concerned others will also be heard.**
8. **Applicant understands that intensification or expansion of use will require the issuance of a new conditional use permit.**
9. **40 parking spaces shall be designated and there shall be no on-street parking.**

/Holst seconds. Barkla, Holst and Sanden in favor, Nellessen opposed. Motion passed.

Public hearing to consider a request for a conditional use permit to expand/intensify a Farmers Market and Gift Shop, a Farm & Home Based Business, by Larry Brenner, owner of property located in the SW ¼ of the NE ¼ in Section 33, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Barkla invited Mr. Brenner forward: Mr. Brenner stated this request mirrors the other request. In the month of December he will be selling Christmas Trees and would like to have the Gift Shop open to sell the house wine, gift certificates, etc.

Sanden asked what the days that would occur. Mr. Brenner stated Dec. 1st through the 23rd, noon to 6pm. Roy stated that we would want hours of operation to match up the events part of the business. Pichotta noted that from a technical standpoint this is a separate business so days and hours of operation would not necessarily have to match. Holst asked Mr. Brenner if 83 days are enough. **Staff Report – Brad Roy:** The applicant has requested changing the hours of operation on the Farmer's Market and Gift Shop. He is requesting the hours from April through September be Thursdays 4pm to 10pm with lights out at 11pm; Saturdays 4pm to 10pm for the public with lights out at 11pm and allow for any charity or special private event from 12pm to 4pm; Sundays 12pm to 8pm. From October through December the hours shall be Saturday and Sunday 12pm to 6pm with a limit of 83 days. **Chairperson Barkla opened the public hearing.** Sharon Hills, Town of El Paso, stated she has the same objections, more traffic and the conditional use permits should run together. Daren Edwards, Town of Salem, stated the last conditional use permit was regarding noise not the traffic. This type of

operation is a daylight event. Becky Bersch stated they have asked for speed limit signs and Mr. Brenner has agreed to pay for them. The Town has not put them up. Chairperson Barkla stated his recollection about the traffic was that Mr. Brenner did address that and did offer to pay for them. Dan Fischer, El Paso Town Board, stated the Town of El Paso did put up the 35 MPH speed sign. The Town of El Paso only has the authority to put up a 45 MPH traffic sign without involving the DOT. We put up the yellow signs that are an advisory sign, we don't have the authority to put up the white speed limit sign that is a regulatory sign. Barry Hager stated Larry selling Christmas Trees is not going to be an issue. It's when Vino in the Valley is operating that there is a significant amount of traffic. The main thing is for Larry to keep his promise and keep the noise down. Paul Seely asked if you would put these kinds of constraints on any other ag based business. Pichotta stated that a farmers market is not a conditional use. It's the retail component of the gift shop that requires the conditional use permit. A farmers market would not typically be subject to such constraints. Paul Seely stated he has been there several times and at different times and rarely has had a car in front of or behind him on his trips out there. As far as the gift shop, he can see the benefit of the ag, tourism that can help Pierce County. The crop he is raising and will sell or will be sold elsewhere will help generate desperately needed revenue in Pierce County. **Public hearing closed. Sanden moved to approve 83 days of operation with hours of operation from April through September shall be Thursdays 4pm to 10pm with lights out by 11pm; Saturdays 4pm to 10pm for the public with lights out at 11pm and allow for any charity or special private event from 12pm to 4pm; Sundays 12pm to 8pm. From October through December the hours shall be Saturday and Sunday 12pm to 6pm and including conditions #1 – 6:**

- 1. The applicant shall comply with the restrictions for a farm and home based business.**
- 2. Any proposed advertising signs or new construction shall receive all necessary permits.**
- 3. All traffic shall be directed to use Hwy 1- to 400th St to 450th Ave or Hwy 72 to Cty Rd CC to 450th Ave.**
- 4. Three parking spaces shall be designated in addition to those required for the events portion of the business and there shall be no on-street parking.**
- 5. This conditional use permit shall be reviewed for renewal in 1 year or if compliance issues arise. Applicant shall provide a "status report" to the LMC in 6 months. Issues raised by neighbors and concerned others will also be heard.**
- 6. Applicant understands that intensification or expansion of use will require the issuance of a new conditional use permit.**

Holst seconds. All in favor. Passed.

Mike Brose, attorney for Mr. Brenner, asked a procedural question regarding the first conditional use permit, asking for clarification that the deferment is only for the live music issue. Noting that it is his understanding that the only issue that is deferred is the amplification issue - not any of the additional requests and that Mr. Brenner is not required to renew his request until the end of the term of the conditional use permit has elapsed. LMC agreed. Roy noted there will be a status report in 6 months.

Departmental Update and Future Agenda Items

Rezone request in the Town of Gilman

Wind Electrical Generation Tower in the Town of Gilman

Pichotta noted that Bob Lannan, the County Surveyor, has announced that he will retire the first part of June.

Set a date for a site visit to Vino in the Valley; March 19th at 3:00pm.

Motion to adjourn at 8:55pm. by Holst/Nellessen seconds. All approve. Motion carried.

Respectfully submitted by S. Hartung

**MINUTES - Pierce County Land Management Committee Meeting
March 19, 2008**

Present: Paul Barkla, Jeff Holst, Eric Sanden, Don Nellessen and Joe Fetzer.
Others: Andy Pichotta, Jim Kleinhans, Brad Roy

Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 3:02 p.m. at Vino in the Valley, W3826 450th Ave, Maiden Rock, WI.

Meet for the purpose of gathering information regarding the potential use of an audio enhancement system to amplify live music. Interested members of the public are invited to attend, using their own transportation to and from the site. No action will be taken at this meeting, its purpose being solely for the gathering of information relevant to business proposed to be placed before the Committee at a future meeting.

Larry Brenner welcomed the LMC and briefly discussed the typical sound level in the pavilion. He indicated that he had arranged for Colleen Raye, accompanied by an electronic keyboard, to perform and that he would be amplifying her performance so it could be heard in the pavilion, consistent with his request to allow for amplified live music as part of his CUP.

The methodology for assessing sound levels was discussed. It was decided to establish a reasonable level of sound in the pavilion and to travel to neighboring properties and locations to assess ability to hear the sound at that level. It was further determined that at each location the amplification would be increased until the LMC was able to clearly hear the sound at that location. Two way radios would be used to communicate between the LMC location and the pavilion where amplification controls were located. Jim Kleinhans, Zoning Administrator, agreed to stay at the pavilion to monitor amplification settings.

It was noted that it was windier than expected. Barry Hager, El Paso resident and neighbor, pointed out that with the wind being what it was, no sound would be evident at his residence. He stated that under other conditions sound would be clearly discernable. Fetzer questioned Hager about sound levels and the location of his home.

At 3:22 p.m. Colleen Raye began performing. It was established that the decibel reading in the pavilion ranged averaged around 68 decibels and peaked at 80 decibels (at an amplifier setting of 1 ¼).

The LMC then traveled to a location on 450th avenue between Larry Brenner's home and the bridge – directly down wind of the pavilion (a distance of approximately 175 yards). At amplifier setting 1 ¼ the sound was discernable and registered approximately 47 decibels. At amplifiers setting 2 ½ sound levels registered approximately 50 decibels.

The LMC then traveled to a location on 400th Street at its intersection with a pipeline crossing the Hills property. The LMC could not discern the music at amplifier setting 1 ¼ - but could when the amplifier setting was increased to 8. LMC members Sanden and Fetzer and staff (and others) then walked onto the Hills property to what is referred to as the "beach" area. This area was located downwind of the pavilion and approximately ½ mile away. Sound was not discernable at amplifier setting 1 ¼ - was not discernable at 2 ½ - and was faintly discernable at amplifier setting 4. Sound was more clearly discernable at amplifier setting 7.

The LMC then traveled to Barry Hager's residence on 400th street which was noted to be up-wind of the pavilion. As expected, no sound was discernable at any amplifier setting.

The LMC then traveled to the end of the driveway leading to the Fitch residence on 450th Ave. Pichotta noted that Mr. Fitch had opted to not allow the LMC onto his property. Again, due to wind direction and strength no sound was discernable at any amplifier setting.

The LMC then traveled back to the pavilion.

Motion to adjourn at 4:40 p.m. by E.Sanden / J. Fetzer seconds. All approve. Motion carried.

Respectfully submitted by A. Pichotta

**MINUTES - Pierce County Land Management Committee Meeting
March 19, 2008**

Present: Paul Barkla, Jeff Holst, Don Nellessen, Eric Sanden and Joe Fetzer
Others: Andy Pichotta, Jim Kleinhans, Emily Lund, Brad Roy and Shari Hartung
Chairperson Barkla calls the Pierce County Land Management Committee meeting to order at 7:00 pm in the Pierce County Board Room, Ellsworth, Wisconsin.
Next meeting dates: April 2nd & 16th, May 7th & 21st and June 4th & 18th, all in 2008.
Approve Minutes: **Sanden moved to approve minutes for the March 5th LMC meeting/Holst seconds. All in favor. Passed.**

Public hearing to consider a request to rezone from Primary Agriculture to General Rural District by Byron and Sara Anderson, owners of parcel of land located in the N ½ of the NW ¼ of Section 20, T27N, R16W, Town of Gilman, Pierce County. Chairperson Barkla invited Byron Anderson and Jeff Pelzel forward. Mr. Anderson explained his reason for requesting the rezone is because everything surrounding his farm is General Rural. There is a large portion of his property that isn't desirable for agriculture. There is only 20 acres of plow land on the 80. Most of the remainder is rough land, woody and hilly. He has no intentions of developing at this time but wants some options for the future. This rezone would make his property consistent with the surrounding land. **Staff Report - Jim Kleinhans:** Byron and Sara purchased this property from his parents. This is a 77.73 acre parcel. His parents live on 2.27 acres in the NW ¼ of the NW ¼ which is delineated by the box on the map included in the staff report. This does not include the parent's property. Most of the land around this parcel is zoned General Rural. The Town of Gilman recommended approval of this request during their Feb. 13, 2008 meeting, commenting that it is consistent with surrounding districts. As Byron stated they don't have any immediate plans to do anything different with the property. As you can see from the maps, this is very rough property except the eastern section where there is some tillable acreage. The farmland has been enrolled in a 25 year Farmland Preservation Agreement under Millard Anderson which was transferred to Byron. That contract will not expire until September 30, 2008. The breakdown of the soils, slope and capability units are provided on the second page of the report. There are some prime ag lands but it is pretty segmented. **Staff Recommendation:** In consideration of the slopes and limited acreage of this property that is farmable, staff recommends the Land Management Committee approve this rezone request and forward a recommendation to the County Board of Supervisors. **Chairperson Barkla opened the hearing to the public.** Jeff Pelzel, a neighbor of Anderson's, stated he is here to support the rezone. Kleinhans added there is a petition that, in addition to Mr. Pelzel, about a dozen other neighbors signed in support of the rezone. Mr. Anderson stated that he asked the adjoining neighbors to sign it. **Public hearing closed.** Sanden asked if the rezone affects the Farmland Preservation Agreement in any way, shape or form. Pichotta stated no. Nellessen stated that the Town of Gilman approved the rezone. **Holst moved to approve the rezone request from Primary Agriculture to General Rural District for Byron and Sara Anderson and forward a recommendation to the County Board of Supervisors/Nellessen seconds. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a wind electrical generation tower by Willard & Doris Traynor, owners of a parcel of land located in the NE ¼ of the SE ¼ of Section 36, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Barkla invited Mr. & Mrs. Traynor forward: Mr. Traynor explained they have been interested in wind energy for a long time. Northern states put up an anemometer up back in '88 and the wind speed averaged about 12 mph. We feel we need to use our natural resources. We're at one of the best points in St. Croix and Pierce County. **Staff Report – Brad Roy:** This conditional use permit request is for the construction of a 120

foot steel lattice tower for support of a 20 kilowatt turbine to generate electricity for the residence and sell excess power. The proposed tower hub is 120 feet above grade with 15.5 foot blades for a maximum height of 135.5 feet. The turbine has a cut-in wind speed of 8 mph, a peak output wind speed of 25.5 mph and a cut-out wind speed of approximately 45-50 mph. The estimated annual average wind speed for this area is 13.5 mph. The tower setback is 185.5 feet to property lines. Setbacks from property lines are not a concern on this site. There are overhead utility lines on the property. The proposed placement of the tower is approximately 240 feet from the utility lines. There is not a utility easement on the deed for this parcel. The anchoring system is dependant on the soil type. The foundation designs are reviewed by a professional engineer. The electrical generation equipment will be connected to the house via an Intertie System that takes the power that the generator produces and converts it to useable energy and transfers it to the utility grid (power company) through the customer's circuit breaker panel. When the customers usage exceeds the wind systems output, the additional power required is drawn from the utility grid. During periods of sustained high winds the system may produce more power than is consumed; the excess power is sold to the utility company. There is an automatic shutdown if the utility power goes out along with a manual shutdown. Grounding for the tower is designed by the contractor and will be to national electrical codes. The tower site location in relation to airports and environmentally sensitive area does not create a concern at the proposed site. The Town of Gilman recommended approval of this request with no specific conditions on Feb. 13, 2008. WI Stats 66.041 is the regulation for solar and wind energy systems. This rule states no county...may place any restriction, either directly or in effect, on the installation or use of wind energy systems as defined in 66.0415(1)(m) and 66.0403(1)(m) unless the restriction satisfies one of the following conditions:

- (a) Serves to preserve or protect the public health or safety.
- (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) Allows for an alternative system of comparable cost and efficiency.

The statute further states the agency shall grant a permit if the agency determines that:

1. The granting of the permit will not unreasonably interfere with the orderly land use and development plans of the municipality.
2. No person has demonstrated that she or he has present plans to build a structure that would create an impermissible interference...
3. The benefits to the applicant and the public will exceed any burdens.
4. The agency may grant a permit subject to any condition or exemption the agency deems necessary to minimize the possibility that the future development of nearby property will create an impermissible interference or to minimize any other burden or any person on granting the permit.

Staff Recommendation: Staff recommends the Land Management Committee determine if this request for a wind generation tower is consistent with the permitting guidelines set by the State, and if so, approve this request with the following conditions:

1. Prior to the construction of the tower, staff shall be contacted to verify placement.
2. A land use permit shall be issued for the tower at a cost of \$100.00.
3. The use shall be established within 12 months of approval.
4. The tower will be installed according to submitted plans and shall be grounded to national electrical code standards.
5. The Land Management Department shall be provided a copy of the agreement with the utility company to insure the intertie on the grid is approved.
6. Warning signage shall be placed at the base of the tower for safety concerns.

Chairperson Barkla opened the public hearing. Lorne Hanson, Town of Gilman Chairperson stated that the Town did recommend approval and he feels it's a very commendable thing to use our renewable energy. Don Nellessen stated as a citizen he will be able to see this tower from his living room window and he supports this. Larry Brenner, Town of El Paso, stated anything going green he

would support. They will be recycling everything they can and anything to protect our resources he applauds. **Public hearing closed.** Sanden asked where on the property would the tower be located. Roy stated behind the shed. Fetzer asked if that was the northern shed. Mr. Traynor stated yes. Sanden asked Brad to remind him of setbacks from residences. Roy stated it is 50 ft plus the height of the tower. **Nellessen moved to approve the conditional use permit for a wind electrical generation tower for Willard and Doris Traynor with conditions #1 – 6/Sanden seconds. All in favor. Passed.**

Discuss take action on the establishment of a condition relating to the use of an audio enhancement system to amplify live music for “Vino in the Valley,” a farm and home based business, by Larry Brenner, owner of property located in the SW ¼ of the NE ¼ in Section 33, T26N, R16W Town of EL Paso, Pierce County. Chairperson Barkla stated that this committee has received a couple letters that people have asked to have read into the record. It is our policy to do that for people that are not here. This is not a public hearing but since we are going to do that we will allow some time for the public to make comments. Pichotta read the letter from Brian Fitch, Town of El Paso, which voiced his concerns regarding the accuracy of the sound test with so many variables. Chairperson Barkla read a letter from Sharon Hills stating her concerns regarding LMC member Nellessen attending the Town of El Paso Planning Commission meeting in January and speaking in favor of “Vino in the Valley”, and suggested he should recuse himself. Hills also commented on Dr. Sanden’s apparent inconsistency in concern over the loss of prime ag lands to development and then supporting the expanding commercial operation of Vino in a prime rural and agricultural area. Ms. Hills also reiterated their opposition regarding the amplification of live music. Chairperson Barkla asked Nellessen if he would like to respond. Nellessen stated he has no interest in Vino in the Valley. He has eaten there and paid for his food. He went to the meeting for the best interest of the County, for economic growth in the County. Chairperson Barkla asked Dr. Sanden if he would like to respond also. Sanden stated he is always a thorn in the side when it comes to rezones and doesn’t want to see good prime ag land turned into subdivisions. This is quite different. Most of the land is still being farmed and will continue to be farmed with or without our approval. Each conditional use permit is viewed on a case by case basis and decisions are made based on individual merit. Chairperson Barkla asked Andy Pichotta to report on the site visit this afternoon where the committee spent about 2 hours listening to music at a more enhanced level and a normal level. Pichotta stated that at 3:00 pm this afternoon the committee held a special meeting at Vino in the Valley. The first thing that was done was the committee met inside the pavilion to establish what a typical sound level was in the pavilion. We then proceeded to go to four different offsite locations and attempted to hear the sound at that level. Then the volume was turned up until we were able to hear it at that particular spot. It should be noted that the wind was quite strong in one direction so there a number of locations that we didn’t hear much at all. In most of the locations it took substantial volume to hear it clearly. I thought that the visit was valuable in the sense that it not only familiarized the committee with the site and the noise issue, but also the lay of the land and the proximity of neighboring properties impacted by this use. Donna Huppert, lives in Ellsworth, is a taxpayer that would like to have Vino in her neighborhood because they will be paying taxes. She is concerned about the vacant businesses. She has been to Vino in the Valley and doesn’t see that clientele as being litter-ers. Dawn Hendershot stated Larry and his brother Scott commented on how they could hear her daughter’s band playing. Then we would be able to hear his music. Ron Hendershot who has lived in the Rush River Valley for 38 years invited anyone that is interested to come sit on his deck and watch the traffic. Attorney Mike Waterman, representing Chris Chard, a couple observations about when Mr. Brenner was here before with the increase in number of days and hours, there was some urgency about the request because he was having difficulty making ends meet. But the amplification of the music doesn’t have the same urgency so the board doesn’t need to rush through this and make a decision tonight. Waterman noted that Mr. Brenner had acknowledged that some of the closer neighbors could probably hear the operation and that was before the amplification of the music. First we need to get a grip on the noise problem and mitigate to solve the problem. Once there is a noise mitigation in place then it would be appropriate for Mr. Brenner to

come before this board and ask for amplified music. Colleen Raye stated with the sound check today, it is very controllable. We don't want it loud, we just want a nice atmosphere. When it is cranked up it distorts in the pavilion. Chairperson Barkla asked Barry Hager for his comments. Mr. Hager stated with the wind the direction it was today he knew they wouldn't hear it at his place or Chris Chards today. You would have to be out there everyday for five weeks. We all agree there are too many variables. Personally, I like Vino in the Valley. I think everybody has to find a happy medium ground. We as a neighborhood lost at one day a week, then he asked for two. The issue at hand was the amplified music and that was always established that wouldn't ever come in. Holst pointed out to the chair that the public hearing has already been held and that he disagrees with the chair on the handling of public input. Chairperson Barkla stated that when he allowed for the reading of Mr. Fitch and Ms Hills letters, he would allow for some comment to be fair. He stated this committee prides itself on being fair. Tony Huppert stated he attended the meeting in the afternoon. He stated no one could really hear the music. The state law has reasonable noise. What also falls under reasonable is the reasonable request of the neighbors. That is a vague word. Connie Kannel stated they have been to Vino several times. They enjoy it and take their children and grandchildren. It invites good people. The roads aren't good for driving fast. We have taken a walk by the Rush River and it is quiet and soothing. There wasn't any loud music. Ken Hines, lives one-half mile from Larry. Mr. Hines stated Vino enhances the neighborhood. It gets people in the neighborhood to see the beauty. I don't think we've ever heard the music. What Larry pays in taxes and sales tax should more than offset the music. Chairperson Barkla stated the committee can not make decisions based on economics - only the public health and safety, and public welfare. Larry Brenner thanked the committee for coming down today. He stated he is trying to do something that is low impact. He is aware that the weather, wind, lots of things can alter the sound level. Vineyards are located in the country and what comes with a vineyard is a way to market that wine. A vineyard is seven days a week operation. He is just trying to do something ag related with the land and with the kids. **Staff Report – Brad Roy:** The Land Management Committee heard this request at the last meeting and deferred action until a site visit (potentially during leaf-on and leaf-off conditions) could be conducted to attempt to quantify acceptable levels of sound from the PA system. A site visit was completed today which was described. The existing permit states: No amplified live music shall be allowed. The applicant is requesting that live music be allowed to be amplified through a PA system. Several neighboring property owners have complained about noise levels. The Town of El Paso heard this request on January 30, 2008 and recommended denial of the request to digitally enhance live music. **Staff Recommendation:** If the LMC determines that it possesses adequate information regarding this proposal and its impact on the public interest, health and safety or character of the area, then a decision regarding this request would be appropriate. Sanden asked about when the committee was in the pavilion, when the level was set at 1 ¼ what was the decibel reading? Pichotta stated that the average was about 68 and the peak was 80 decibels in the pavilion. Chairperson Barkla asked Andy about when the three went into the woods by the river, how far away were you from the pavilion. Pichotta stated about a half mile. At 1 ¼ setting we not hear it at all. At level 4 it could be faintly heard, at 7 it could be heard but not clearly. Chairperson Barkla stated that Jim Kleinhans was left in the pavilion to monitor the volume level. Kleinhans stated that at 7 in the pavilion, everybody would be walking away to get away from the noise. It was hard to understand the radio contact. Fetzer stated that our first stop was right on the road just below Larry's house, Colleen was singing, the wind was blowing at us. My opinion was that the people talking or laughing were louder than her. If his speakers are shooting into the bank they shouldn't be an issue. You will probably hear people over the music. Nellesen stated he had a hard time hearing at the driveway. The next stop he couldn't hear at all. Sanden stated he heard it in front of the house. Back in the woods, he heard the brook but didn't hear the music. With leaf-on it should muffle the noise which will lower the decibel level as much as other conditions would heighten it. When you look at performance standards for industrial areas you take a decibel reading and you don't have to factor in humidity and barometer pressure. You take a reading and that's reasonable. Holst stated that what we attempted to do is to quantify an acceptable level from the sound system. Acceptability differs from person to person. I

myself couldn't hear it anywhere. After that I think we have to take care of public interest, health and safety of the area. **Holst moved to allow the use of an audio enhancement system to amplify live and recorded music with amplified sound levels not to exceed 80 decibels in the service pavilion for a period of 30 days from beginning 2008 operations, with a further determination to be made by the LMC within that timeframe. Comments or complaints should be directed to Land Management staff in a timely manner.**

Further, the applicant is directed to investigate methods with which to contain sound within the pavilion, such as the placement of sound dampening materials and the movement of speakers to minimize wind and other atmospheric conditions and to report said findings to the LMC within the 30 days/Sanden seconds. Chairperson Barkla stated he needs a clarification of when Mr. Brenner's operation will commence. Larry Brenner stated he moved back the starting date to May 15th because of the limited number of days. Chairperson Barkla stated that by the middle of June you can report back to us. We will act with dispatch so that neither you nor the neighbors are disadvantaged. We had a conversation about the placement of the speakers and will find ways to deal with the issue. Chairperson Barkla asked Jeff to repeat the motion. Holst restated the motion. **All in favor. Passed.**

8:00pm Chairperson Barkla called for a five minute recess.

8:07pm Chairperson Barkla resumed the meeting.

Discuss take action on a request for a rule exception to the requirement that an erosion control plan be completed for a 2-Lot Plat for Cedar Valley 3 located in Lot 4, Cedar Valley 2, in the SW ¼ of the NW ¼ of Section 6, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Barkla invited Chris Willgrubs forward: Mr. Willgrubs explained he would like to split Lot 4 into two separate lots. It meets the density requirements and the WisDOT requirements. He does have an easement from Lot 7 to put a driveway in to the new lot. That shouldn't be a problem since he still owns Lot 7. **Staff Report – Emily Lund:** The first plat came through called Cedar Valley and that created three lots and one outlot. Then Cedar Valley 2 came through creating nine lots of which this Lot 4 Chris would like to create an additional lot. During Cedar Valley 2 the private roads and storm water and erosion control practices were installed. In order for a rule exception to go through per § 237-30 states: the rule exception can't nullify the chapter and we need a majority vote and the committee needs to set forth the reasons for justification to the rule exception. This property is currently recorded as Lot 4 Cedar Valley 2 and the property is located in the SW ¼ of the NW ¼ of Section 6, T24N, R17W, Town of Isabelle. Surrounding land use is agricultural, residential and commercial. The subject property is zoned Rural Residential 20. Staff visited the site multiple times and noted slopes are stable and had vegetative cover. There are really sandy soils. The following are questions and policy asks them to be answered for this type of rule exception:

1. No roads are being constructed as part of the land division
2. No erosion problems are present on the property
3. There are no problems with stormwater or surface water flow on the subject property or that originate on the subject property

Staff Recommendation: Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception. Sanden asked if Emily had seen any signs of washouts or signs of erosion, any stormwater or surface water flow problems? **Sanden moved to approve the rule exception to the requirement that an erosion control plan be completed for a 2 lot Plat for Cedar Valley 3 with the justification that:**

1. No roads are being constructed as part of the land division
2. No erosion problems are present on the property
3. There are no problems with stormwater or surface water flow on the subject property or that originate on the subject property.

Holst seconds. All in favor. Passed.

Discuss take action on a request by Chris Willgrubs for a 2 Lot Concept Plan for Cedar Valley 3 located in Lot 4, Cedar Valley 2, in the SW ¼ of the NW ¼ of Section 6, T24N, R17W, Town of Isabelle, Pierce County, WI. Chairperson Barkla invited Chris Willgrubs forward: Mr. Willgrubs stated this is the second step of the process for subdividing and creating the 2 lots. **Staff Report – Emily Lund:** Chris is asking for concept plan approval this time. The property is zoned Rural Residential 20. Two residential lots are available on the property. The slopes are flat. It's not in Farmland Preservation and there are no wetlands. It met the Town minimum acreage. The southern portion of the property is located in the WisDOT Scenic Easement. She contacted Rosalene Olson on Feb. 22, 2008 and she confirmed the following:

- a. A new lot can be created as long as the lot has a minimum of 300 ft of frontage on State Hwy 35.
- b. These two lots within the scenic easement cannot have twin homes, duplexes or multi-family homes. The WisDOT specified that only 1-single family residence can be on each lot.
- c. There two lots cannot have any new or expanded commercial use as this is recorded as a restriction to this use within the deed.

To determine suitability of the site for subdivision, staff reviewed the site for hazards of life, health or property, no such hazards were apparent. **Staff Recommendation:** Staff recommends the Land Management Committee approve this proposed concept plan with the following conditions:

1. The lots shall be a minimum of 1-acre, excluding land in any rights-of-way or easements.
2. The developer shall follow WisDOT requirements for land uses on the property.
3. Applicant shall obtain all necessary sign permits prior to setting up any new signs on property.

Sanden asked about the 66 ft road frontage for lots, is that negated by the fact that you have the easement? Pichotta stated both lots have substantial road frontage on Hwy 35. You don't necessary have to utilize the frontage for access you just must have it. Holst asked Chris if his intent is to use the gravel drive off of Hwy 35 for access. Mr. Willgrubs stated Lot 13 comes off of 155th Avenue and he will grant Lot 14 an easement to get to 155th Avenue. **Nellessen moved to approve the 2 Lot Concept Plan for Cedar Valley 3 with conditions # 1 – 3/Sanden seconds. All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta asked the committee to revisit the minutes regarding the second rezone request from Industrial to Light Industrial. In the third sentence in from the staff report should be corrected to read... the existing industrial operation that Mr. Larson owns and operates is about 4.29 acres. **Holst moved to reconsider the minutes as approved/Fetzer seconds. All in favor. Passed. Chairperson Barkla reopened the minutes up for consideration.** Pichotta stated the third sentence of the staff report should read...the existing industrial operation that Mr. Larson owns and operates is about 4.29 acres. **Holst moved to amend the minutes as corrected/Sanden seconds. All in favor. Passed.**

Future agenda items include a request for a conditional use permit for a farm & home based business for manufacturing fishing tackle.

Motion to adjourn at 8:20pm. by Fetzer/Nellessen seconds. All approve. Motion carried.

Respectfully submitted by S. Hartung

**MINUTES - Pierce County Land Management Committee Meeting
April 2, 2008**

Present: Jeff Holst, Eric Sanden and Joe Fetzer

Others: Andy Pichotta and Shari Hartung

Absent: Paul Barkla and Don Nellessen

Chairperson Holst calls the Pierce County Land Management Committee meeting to order at 7:00 pm in the Pierce County Board Room, Ellsworth, Wisconsin.

Next meeting dates: April 16th, May 7th & 21st and June 4th & 18th, all in 2008.

Approve Minutes: Pichotta suggested one addition to the minutes of the special meeting held on Mar. 19, 2008, in the first paragraph after the bold paragraph, he suggested that the second sentence be modified as follows: "He indicated that he had arranged for Colleen Ray, *accompanied by an electronic keyboard*, to perform and that he would be amplifying her performance so it could be heard in the pavilion, consistent with his request to allow for amplified live music as part of his CUP."

Pichotta stated that he believed it was important to note the fact that she was singing with accompaniment. **Sanden moved to approve the LMC special meeting minutes for March 19th as amended/Fetzer seconds. All in favor. Passed. Sanden moved to approve the LMC minutes of the regular meeting on March 19th/Fetzer seconds. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business for the manufacture and sales of fishing tackle by Dan & Wendy Duval, owners on property located in the SW ¼ of the NE ¼ of Section 25, T26N, R17W, Town of Ellsworth, Pierce County, WI. Chairperson Holst invited Mr. & Mrs. Duval forward: Mr. Duval explained that there is an existing business in Chippewa Falls that they would like to purchase and scale down to run out of their garage. It is mail order with no on-site retail. Sanden asked how things are delivered and sent. Mr. Duval stated through UPS. Sanden asked how many shipments on a monthly basis? Mr. Duval stated it is seasonal, with the busy time in January, March and April. Most of the packages are small. It is actually two different companies; one is a mail order supply catalog. The other is the manufacturing of jigs for panfish or walleye. **Staff Report – Andy Pichotta:** Mr. and Mrs. Duval are considering the purchase of an existing small business to operate out of their garage at their residence. The business has two components; one is Falls Bait, Co. which is a line of fishing lures that will be made on site by melting plastic in small melting pots and hand poured into molds to make the bodies of the lures. The lures are packaged and shipped to distributors. Other equipment used will be an air compressor, vacuum former to form the plastic packaging of the baits, a die press to cut the plastic packaging and a sealer to seal plastic around the product. The other component is Tackle Craft which is a catalog/mail order fishing tackle supply business. This will involve buying fishing tackle components wholesale, packaging and reselling with no machines required. The business is seasonal with most of the production being December through June. Hours of operation will be 8:00am to 4:00pm Monday through Friday. Neither business component will have on-site retail. There are no facilities planned to accommodate the public. All shipments will be done through US mail. The business will be operated out of an 1156 sq ft attached garage, which is approximately 42% of the dwelling unit. It will be entirely indoors with no need for outdoor storage. There are no plans for any outside employees. Driveway access is off 480th Ave. Pierce County Code § 240-54 requires two parking spaces for manufacturing use. There is ample parking for two vehicles present. The Town of Ellsworth recommended approval of this request on March 4, 2008 stating that the business will have no adverse effect on the town roads or the town's infrastructure. No conditions were listed.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and if determined to be not contrary to the public interest, nor injurious to public health, safety or character of the area, grant this conditional use permit with the following conditions:

Working today for a better tomorrow

1. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits shall be secured.
2. This conditional use permit shall be valid for 2 years or if any compliance issues arise. Permit may be renewed administratively if no compliance issues arise.
3. All waste shall be disposed of in compliance with the Pierce County Code Chapter 201, Solid Waste Collection and Transportation.
4. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.

Chairperson Holst opened the public hearing. Don Rohl, Town of Ellsworth, stated that it sounded like a good business. **Public hearing closed.** Sanden stated that this sounds like a straight forward request. **Fetzer moved to approve the conditional use permit for a Farm & Home Based Business for Dan & Wendy Duvall due to the fact that it is not contrary to public interest, nor injurious to public health, safety or character of the area with conditions #1 – 4/Sanden seconds. All in favor. Passed.**

Departmental Update and Future Agenda Items

Rezone request for Nesbitt Nursery from General Rural Flexible 8 to Light Industrial in Town of Oak Grove

Conditional use permit for a golf driving range in Town of Gilman

Farmland Preservation Agreement in the Town of Hartland, no 590 Plan has been submitted. The committee will have to determine if they are willing to approve it contingent on having the Plan submitted and not forward it on to the County Board until all the requirements have been satisfied or the LMC could defer action until all requirements are met.

Motion to adjourn at 7:11pm. by Sanden/Fetzer seconds. All approve. Motion carried.

Respectfully submitted by S. Hartung

**MINUTES - Pierce County Land Management Committee Meeting
April 16, 2008**

Present: Paul Barkla, Jeff Holst, Eric Sanden and Joe Fetzer

Others: Andy Pichotta, Emily Lund and Shari Hartung

Absent: Don Nellessen

Chairperson Barkla calls the Pierce County Land Management Committee meeting to order at 7:00 pm in the Pierce County Board Room, Ellsworth, Wisconsin.

Next meeting dates: May 7th & 21st and June 4th & 18th, all in 2008.

Approve Minutes: **Holst moved to approve the April 2, 2008, LMC minutes/Sanden seconds. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Private Outdoor Recreation Use for a golf driving range by Robert Vodnik, owner on parcels of land located in the SE ¼ of the SE ¼ of Section 4, T27N, R16W, Town of Gilman, Pierce County, WI.

Chairperson Barkla invited Mr. Vodnik forward: Mr. Vodnik explained that this will be located on 850th Ave, approximately 270 yards from Cty Rd BB. He would like to construct a 24 ft by 24 ft office/storage building and will provide satellites and garbage containers. It will be family run by himself and his sons from 6:00am to 9:00pm. Sanden asked what he will have for lighting? Mr. Vodnik stated that if it's dark outside he will be closed. He will have electrical out there but no lighting. Holst asked if he had been before the LMC previously. Mr. Vodnik stated that he had but as soon as he got the driving range built last time, he got divorced. **Staff Report – Andy Pichotta:** Mr. Vodnik is proposing to operate a golf driving range and has twice received CU Ps for a driving range on adjacent property that is no longer in operation. The property is currently used for agriculture and that use may continue along with the driving range. The property is zoned General Rural. Pierce County Code defines Private Outdoor Recreation as: Land uses which offer recreation activities primarily outdoors, including such uses as private parks, sportsman's clubs, campgrounds, golf courses and ski hills which are operated for members or on a commercial basis for members of the public. There is an existing farm access west of Cty BB. The applicant will improve the access as well as construct a parking lot for the driving range. There will be 10 tees for the public, § 240-54 requires one parking space per tee. A shed, adjacent to the hitting tees, will be constructed to serve as an office. A shed cubic foot volume greater than 25,000 will require Department of Commerce approval. Sales of water, soda, candy and chips will take place from the office. Commercial sanitation satellites and garbage containers will be placed onsite. Proposed hours of operation are from 6:00am to 9:00pm. The equipment to be used are lawn mowers, ball pickers and possibly a small tractor. There are no plans to hire outside employees. The Town of Gilman recommended approval on March 12, 2008 with no specific conditions. **Staff Recommendation:** Staff recommends the Land Management Committee consider the above and if determined to be not contrary to the public interest, nor injurious to public health, safety or character of the area, grant this conditional use permit with the following conditions:

1. A driveway permit shall be obtained from the Town of Gilman and a Uniform Address Sign shall be obtained from the Pierce County Zoning Office.
2. All necessary permits shall be obtained for the construction of any structures or signs.
3. 10 parking spaces shall be provided.
4. Any expansion or intensification of the use will require a new Conditional Use Permit.
5. This conditional use permit shall expire in 2 years or if compliance issues arise. Permit may be renewed administratively if no compliance issues arise.

Chairperson Barkla opened the public hearing. Jeanette Leonard, resident of River Falls and neighboring property owner, along with her husband, Warren, stated that for over 30 years they have owned the property directly across and managed it for wildlife, birds and small animals. They feel it is going to change the character of the area with a lot of traffic and disturbance to the wildlife. They

request that the committee deny this conditional use permit. **Public hearing closed.** Chairperson Barkla asked Mr. Vodnik if this site had been used previously as a driving range. Mr. Vodnik responded that it had in 1999 and 2000 and that there really wasn't much traffic. The golf course is located on this same road. Holst stated he was on the committee the first time the conditional use permit was granted. Joe Fetzer asked what the distance is to the nearest dwelling. Mr. Vodnik stated the farm straight to the west is the nearest. Chairperson Barkla asked Mr. and Mrs. Leonard what kind of impact the operation had on their property in 1999/2000 when the driving range was operating. Mrs. Leonard stated she doesn't remember it so it didn't have much of an impact. Sanden asked Andy if he had any suggestions to mitigate impacts. Pichotta stated without specific concerns it is difficult to identify mitigation strategies. **Holst moved to approve the conditional use permit for a golf driving range for Robert Vodnik due to the fact that it is not contrary to the public interest, nor injurious to public health, safety or character of the area, with conditions #1 – 5/Sanden seconds. All in favor. Passed.**

Public hearing to consider a request to rezone from General Rural Flexible 8 to Light Industrial by Lee Nesbitt, agent for Donna Nesbitt, owner, of a parcel of land located in the SE ¼ of the NE ¼ of Section 35, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Barkla invited Lee Nesbitt forward. Mr. Nesbitt explained that he has an apple orchard and that for the past four years he has been running another orchard, Orchardview Farms, along with his. The other orchard has been sold to a developer. In 2006 he purchased the equipment from the other orchard. Due to this purchase he needs to build a facility at their orchard to house the equipment. The current zoning won't allow for another building. **Staff Report – Andy Pichotta:** This is a request to rezone 38.39 acres from General Rural Flexible 8 to Light Industrial. The request is to allow for the expansion of an existing farm and home based business located along Hwy 35. Mr. Nesbitt obtained conditional use approval in 2004 to operate a nursery business for production of spruce trees and apples. The apple trees are now producing crops that require additional building space for processing. The existing building is operating at the maximum size limitation for his farm and home based business. Donna Nesbitt owns 207 acres along the east side of Hwy 35. The site is surrounded by General Rural Flexible 8 zoning districts. The Town of Oak Grove recommended approval of this rezone at their March meeting. Some discussion was held at the Town level concerning the number of acres to be included in the request. Andy stated it is his understanding that it fluctuated, they couldn't agree so they opted to approve the whole 40. Mr. Nesbitt stated the reasoning behind that is they didn't want to have a separate parcel that would have to be surveyed. Pichotta, This map amendment is being requested because the business is seeking to expand and construct another building which would exceed the 5000 sq ft limitation for their farm and home based business permit. The business provides spruce trees, apples and apple related products to both wholesale and retail customers. Process equipment purchased from Orchardview Farms included an apple cider press, washing and sorting machine, coolers, etc. The proposed apple processing building is a cold storage building located behind the existing commercial building. The approximate dimension of the proposed metal building is 56 ft by 88 ft. The major portion of this property is and will continue to be used for agriculture production. Soil types are listed in the staff report. The Pierce County Land Management Plan states that acceptable locations for future designation for commercial and industrial areas are at intersections of major county highways and state roads, along railroad or adjacent to villages and cities in areas which are consistent with local development plans. Section 240-80 of the zoning code gives the Land Management Committee and Board of Supervisors the option to limit the use of land to one or more specific uses permitted in a zoning district for which the map amendment is sought. There is additional information in the staff report regarding landscaping as well as site plan review. Any development, any structure located in the Commercial, Industrial or Light Industrial District requires a site plan review that comes before this committee. If it was a Commercial use in a Light Industrial District, that would necessitate a conditional use permit before they come in for site plan review. Basically, the conditional use permit is to assess whether there is the potential for off-site impacts and if any kind of mitigation

strategy is necessary. The site-plan review would be to review the development of the site to make sure those impacts are addressed. **Staff Recommendation:** Staff suggests that Land Management Committee consider the fact that this existing business is growing beyond the conditional use permit parameters, is located along the Highway 35 corridor and is supported by the Town of Oak Grove. These factors lend support to the establishment of this site as a light industrial/commercial development. Staff recommends the LMC forward a recommendation to the County Board of Supervisors. **Chairperson Barkla opens the public hearing. No public comment. Public hearing closed.** Holst stated that Lee is a good neighbor. **Sanden moved to approve the rezone request to General Rural Flexible 8 to Light Industrial and forward a recommendation to the County Board of Supervisors/Fetzer seconds. All in favor. Passed.**

Discuss take action on Farmland Preservation Agreement for Muriel Edquist on property located in the S ½ of the NE ¼ and the NE ¼ of the SE ¼, all in Section 14, T25N, R17W, Town of Hartland, Pierce County, WI. Chairperson Barkla invited Muriel and Mary Edquist forward. Mary Edquist stated that they are requesting to keep the property in the Farmland Preservation program, if possible. Muriel Edquist explained that their property has been in the program for 25 years and will come out on May 7th and she would like to have it renewed. **Staff Report – Emily Lund:** The property has been in the Farmland Preservation Program with 117.5 acres, more or less, since 1983. The current contract will expire May 7, 2008. The property is located in Section 14, Town of Hartland. The major farm activity is livestock and grazing. The applicant has 80.2 acres of cropland, 8 acres of woods, 28.2 acres in pasture and 1.18 acres around the homestead. The Land Conservation Committee approved this application at their March 27, 2008 meeting with the condition that the applicant completes a NRCS 590 Comprehensive Nutrient Management Plan (CNMP). The Pierce County Farmland Preservation Plan standards were updated and adopted by the Land Conservation Committee on July 6, 2005. The new standards require applicants to complete a CNMP and the applicant has a contract with Precision Ag to complete the plan. The majority of soils on the property include prime farmland and farmland of statewide importance. **Staff Recommendation:** Staff recommends the Land Management Committee either:

Approve the application with the condition that the applicant complete a NRCS 590 Comprehensive Nutrient Management Plan (CNMP) and that staff will not forward a recommendation to the County Board of Supervisors until such time as the Land Conservation Department notifies Land Management staff that a compliant plan has been submitted. OR Defer action on this request until the applicant completes the required NRCS 590 CNMP. Chairperson Barkla asked what happens if the agreement expires May 7, 2008 and they are still getting compliant. Holst stated there shouldn't be any problem as long as they are making progress, the assessor isn't likely to catch up with them. **Holst moved to approve the application with the condition that the applicant complete a NRCS 590 Comprehensive Nutrient Management Plan (CNMP) and that staff will not forward a recommendation to the County Board of Supervisors until such time as the Land Conservation Department notifies Land Management staff that a compliant plan has been submitted/Fetzer seconds. All in favor. Passed.**

Departmental Update and Future Agenda Items

Renewal of a conditional use permit for nonmetallic mining for the Bisel Property

Discuss the process or mechanism through which we permit renewable energy; solar panels, wind towers, etc.

Election of Officers

Pichotta asked the committee if, rather than have a special meeting regarding Vino in the Valley that falls within 30 days of their opening, that item might be discussed at the meeting falling three or four days after the 30 day period. If the committee approves, we will meet 3-4 days after the pilot period ends. Committee agreed that the issue could be addressed at the meeting scheduled for June 18.

Motion to adjourn at 7:42pm. by Holst/Sanden seconds. All approve. Motion carried.
Respectfully submitted by S. Hartung

**MINUTES - Pierce County Land Management Committee Meeting
May 7, 2008**

Present: Paul Barkla, Don Rohl and Eric Sanden

Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung

Absent: Jeff Holst and Joe Fetzer

Chairperson Barkla calls the Pierce County Land Management Committee meeting to order at 7:00 pm in the Pierce County Board Room, Ellsworth, Wisconsin.

Election of Officers: **Chairperson Barkla stated we will have the election of Chairperson and Vice Chairperson for two year terms, for the Land Management Committee.** Nomination for Chairperson is opened. Sanden nominated Paul Barkla for Chairperson. **Rohl made a motion to close the nominations and cast a unanimous ballot for Paul Barkla/Sanden seconds. All in favor.**

Passed. Chairperson Barkla opened nominations for Vice Chairperson. Sanden nominated Joe Fetzer for Vice Chairperson. **Rohl made a motion to close the nominations and cast a unanimous ballot for Joe Fetzer/Sanden seconds. All in favor. Passed.**

Next meeting dates: May 21st and June 4th & 18th, all in 2008.

Approve Minutes: **Sanden moved to approve the April 16, 2008, LMC minutes/Barkla seconds. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for General Retail & Services to operate a flea market during summer weekends in the Light Industrial District by Paul Larson, owner on a parcel of land located in the SW ¼ of the SW ¼ of Section 18, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Chairperson Barkla invited Mr. Larson forward: Mr. Larson explained he wants to have a high end flea market, entertainment, a motor home with XM radio and picnic area on Saturdays and Sundays. There would be overnight camping for the vendors only. The motor homes are self-contained and would have their own generators. The berms are already in, the gravel in the parking lot and the motorcycle pad poured. He is contacting people to provide food and has received bids on porta-potties. He would also like to have a spot where a car dealership could display a new vehicle. Sanden asked about the live music being an issue with the neighbors and if it was going to be amplified. Mr. Larson explained the platform for the music that the speakers would be toward Highway 35 during daylight hours. Mr. Larson stated he didn't know what type of system the entertainers would have. Rohl asked if he had a way of regulating the sound levels. Mr. Larson stated if there is a complaint, they will stop the music or reduce sound levels. Chairperson Barkla asked about the surface water run-off being redirected along the edge of the property. Mr. Larson explained the berms are up and he is working with an engineer out of Eau Claire. Chairperson Barkla asked what had to be done for the parking lot. Mr. Larson stated they won't be parked overnight that's just to supply power. It's a few feet from the bluff and there is probably going to be a 40 ft by 50 ft slab. Chairperson Barkla stated Public Health will have to look at the sanitary issue regarding food service. Mr. Larson stated the vendors will have to prove that they have permits. **Staff Report – Jim Kleinhans:** Mr. Larson submitted an application for retail sales on a recently purchased property in the Town of Diamond Bluff. He is intending to operate a flea market in the light industrial district during summertime weekends along Highway 35 where he has his solid waste operation. This proposal is for a conditional use permit under General Retail & Service Establishments. He is currently working on developing the screening with natural vegetation or fencing provided along the perimeters. Surface water runoff from the hillside developed years ago but a land development occurred on the top of the hill and a lot of the problems were addressed. He is also working with Jim Devlin, WI DNR, to obtain a stormwater permit under NR151. The site plan includes a mixture of uses and Rand laid them out to scale on the site map provided. Waste receptacles for the vendors and porta potties for the weekends will be provided. The motor home that Paul talked about will be parked on a slab to provide electricity for live music or a radio. The berm is to help screen his business operation from Highway 35, when

you get to the Light Industrial District it will just be trees. The committee should think about what is being proposed and request items for site plan review if you feel something isn't adequate here. Access to the facility is through the existing business driveways, those driveways are being surfaced at this time. So there will be a concrete surface up to Highway 35 from the parking lot. The application indicates the hours of operation will be 10:00am to 8:00pm during the summer months. Each vendor will be rented a certain size area to establish a temporary booth for display over the weekend. Plans do not include any buildings at this site. Any on-premise signs will have to be permitted according to Article VIII of the zoning code. Site plan review is required and items to be considered include neighboring uses, use of landscaping and open space, parking areas, driveway location, loading and unloading areas, highway access, traffic generation and circulation, lighting, drainage, water and sewer systems and proposed operations. The one thing that is not clear at this time is the amount of parking area required. Zoning requirements for outside retail sales parking includes one space per 500 square feet of display area. So once we understand how much area the vendors are going to take up we can determine the parking spaces. I thought if there were 14 spots for vendors, approximately 20 ft x 40 ft, that would require 22 parking spaces. Mr. Larson stated there is two acres for a parking area. **Staff Recommendation:** Staff recommends the Land Management Committee consider the above and if determined to be not contrary to the public interest, nor injurious to public health, safety or character of the area, grant this conditional use permit with the following conditions:

1. The CUP shall be established within 12 months of the approval date and renewed in 12 months administratively if no complaints are received or by the committee if and whenever compliance issues arise.
2. Advertising signage shall be approved/permitted by the Land Management Dept.
3. Adequate site parking shall be approved by Land Management Committee or Dept.
4. The proposed living fence shall be established around the perimeter within 12 months of establishing business operations.
5. Musical and entertainment sound levels shall be limited to sound levels generally experienced by passing train and road traffic at the site.
6. Any waste and vendor's equipment shall be removed from the flea market site prior to Monday evening.
7. Portable latrines shall be serviced by a licensed wastewater hauler.
8. Any overnight camping allowed on Friday and Saturday nights for vendors only.
9. Any food vendors shall be licensed and approved by the Pierce County Public Health Dept, if required.
10. Site plan approval shall be sought prior to business establishment. Applicant shall propose strategies to mitigate potential conflicts with adjacent residential districts.

Chairperson Barkla opened the public hearing. Anita Kavitz stated that she moved to Diamond Bluff eight years ago and will live right across the street from this. They value their peace and quiet and don't want to deal with the garbage and noise. Ms Kavitz asked if he had to have music and if a fence could be put up. Mr. Larson stated he could plant trees. Chairperson Barkla asked what the decibel level is of the trains that pass. Kleinhans stated he didn't know but it's hard to hold a conversation when they pass. Sanden asked if it has been zoned Light Industrial for the eight years. Kleinhans stated that the parcel was previously zoned Industrial and was recently rezoned to Light Industrial. In an Industrial district uses could be a lot more intense. Pichotta stated the committee should consider if there are off-site impacts that can and should be mitigated. Sanden asked Mr. Larson if he would be willing to extend the tree line to help mitigate the noise. Chairperson Barkla asked about constructing a bandshell area and having speakers pointed away to help mitigate the sound. Mr. Larson stated he would be willing to move the tree line. Kleinhans asked Mr. Larson if he would be willing to build a fence to keep people from walking from Highway OO. Mr. Larson stated he could put a snow fence right behind the vendors. Pichotta suggested one of the conditions could be that site plan approval be sought prior to the business establishment and that the applicant be asked to identify strategies to address the concerns of the folks in the residential district. We could get Mr. Larson back

on the agenda as soon as he has something for us and Ms Kavitz would be notified of that and determine if what is being proposed would satisfy her concerns. **Public hearing closed. Sanden moved to approve the conditional use permit for General Retail & Service for a flea market during the summer months due to the fact that it is not contrary to the public interest, nor injurious to public health, safety or character of the area, with conditions #1 – 10 as amended/Rohl seconds. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining for Greg Bisel on property located in the W ½ of the NW ¼ in Section 5, T25N, R16W, Town of Salem, Pierce County, WI. Chairperson Barkla invited James Harris, Pierce County Highway Department/Agent for Mr. Bisel, forward. Mr. Harris stated that the County has a year to year agreement with Mr. Bisel, with a fee per ton of raw material that they crush. They would like to purchase the property or have a long-term lease but haven't yet been able. This week, Mr. Bisel has expressed interest in getting into a long-term lease which would make it easier for the Highway Dept to get the reclamation plans drawn up and have more control over the property. **Staff Report – Brad Roy:** Mr. Bisel owns a nonmetallic mining operation along Hwy 10. The Pierce County Highway Dept is the current operator of the site. The original permit was issued to Mr. Bisel in 1994 and regularly renewed up until 2001. There have been no renewals since that time. The mining site is approximately 17 acres in size off of Hwy 10, with approximately 5 acres being mined. The active mining area is approximately 6.5 acres. Mineral extraction has extended into the 100 foot setback on the north end of the property, however this activity had taken place before 1998 and there has been no mineral extraction within the setback since that time. The Hwy 10 right-of-way extends 100 feet north of the centerline. A recent errant blast has resulted in mineral extraction within the right-of-way. Due to the conditions of the mine, staff has been unable to definitively determine the total extent of the encroachment. The operation plan with the original permit states the south wall will be left between Hwy 10 and the active mine. Preservation of this wall will provide protection for the highway while also limiting the visual impact of the mine. The existing highwalls are approximately 100 feet. The original plan states the highwalls will be benched to limit the heights to 35 to 50 feet. The original plan states the mine will be restored to slopes of 3:1. The south wall adjacent to Hwy 10 was disturbed in the recent errant blast. Erosion on the side of the wall facing Hwy 10 is a concern as well as the potential for fallen rock reaching Hwy 10. There is a dry run on the property which hasn't been disturbed but future expansion may become an issue. Crushing and processing of the rock takes place onsite. Storage of the product is in the active mine as well as on an adjacent property across Hwy 10. The adjacent property is considered to be a pre-existing nonconforming use, so a permit is not required on that site. There are no wells on the property; therefore no washing takes place onsite. The operation typically removes 30,000 to 40,000 tons of material a year with blasting when material is needed. Hours of operation are 7:30am to 3:30pm. § 241-14C states: The financial assurance requirements of this section do not apply to nonmetallic mining conducted by the State of Wisconsin, a state agency, board, commission or department or a municipality. **Staff Recommendation:** Staff recommends the Land Management Committee approve the renewal of this conditional use permit for a nonmetallic mining operation with the following conditions:

1. Hours of operation shall be 7:30am to 3:30pm Monday through Friday.
2. A 100 foot setback shall be maintained from all property boundaries. In areas where prior mining has extended within this setback no further encroachment shall occur.
3. A groundwater response plan detailing resources used to protect the quality of groundwater beneath and adjacent to the extraction operation and proposed response to encountering groundwater shall be submitted to the Zoning Office. The Zoning Office shall be notified if groundwater is encountered and further operations shall cease until the response plan is implemented.
4. A reclamation plan that is consistent with the requirements of Chapter 241 shall be approved by Zoning Office. A plan review fee shall be submitted with the plan.

5. Reclamation of the mine shall adhere to the original plan which states that slopes shall be restored to 3:1. Due to the location of the northern highwall and the potential for land development on the northern adjacent parcel highwalls or steep slopes would create unsafe conditions.
6. Fencing shall be installed around the northern edge of the mine.
7. The owner shall notify the Zoning Office when the operator of the mine is no longer a public entity. Modifications to the permit may be required at that time.
8. Applicant shall comply with NR 135 Annual Reclamation Permits.
9. All blasting shall be done by a certified state licensed blaster.
10. Residential property owners located within 1000 feet of mining operations shall be given a two day notice of any planned blasting.
11. Well tests for nitrates, suspended solids and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation annually.
12. An erosion control plan for the side of the south wall facing Hwy 10 shall be implemented in a timely manner. The plan shall be approved by the Zoning Office.
13. Any unforeseen erosion issues shall be addressed to the satisfaction of the Zoning Office or the Land Conservation Department.
14. Applicant shall receive all necessary permits from other agencies.
15. This CUP is valid for two years and may be renewed upon request. The owner/operator is responsible for requesting renewal. Operations conducted without a valid permit shall be subject to enforcement action.
16. A renewal fee of \$200.00 plus \$20 per acre shall be paid.

Mr. Harris stated they would like the summer hours to be 6:00am to 6:00pm when contractors are coming in. Mr. Harris stated the encroachment on the back of the property happened when Mr. Bisel sold a parcel back there. No mining has been done back there. When the errant blast took place, they were attempting to get the 100 foot highwall to 50 feet. They had always had a problem with loose rock falling on Hwy 10 in the spring. There was very little vegetation on the hill. We knew there was going to be rock on Hwy 10 but didn't know about the seam that ran under the highwall and pushed the road up. Chairperson Barkla stated he has had several conversations with the Highway Commissioner and he believed they were grandfathered in. Pichotta stated this pit didn't exist prior to 1973, that's when zoning was adopted. So therefore, it is not grandfathered in. **Sanden moved to approve the renewal of the conditional use permit for nonmetallic mining for the Greg Bisel property with conditions #1 – 16, amending #1 to add hours of operation from 6:00am to 6:00pm, in June, July and August/Rohl seconds. All in favor. Passed.**

Discuss take action on proposed revisions to the Pierce County Land Records Modernization Plan. Pichotta reports: Every time someone records something in the Register of Deeds Office, a portion of the fees paid goes to the Land Records Modernization Fund. The Land Records Modernization Plan is the plan through which those dollars are spent. The committee modified the plan a few years ago. We have a number of changes, the obvious being the change of membership of the committee. The other changes are largely language on how we develop our GIS data base. Rather than list all changes which are underlined, I would ask if there are any questions. The proposed language makes it easier for us to utilize dollars from the Land Records Modernization Fund and secure grants from the Wisconsin Land Information Grant Program to further our GIS and update our website. The program is intended to make our land records information more accessible to the public and that generally means on-line access. We will be able to put more up to date Ortho photos for different years and different resolutions, also to utilize those dollars to COGO. Chairperson Barkla asked about the scanning of the Land Management Records. Pichotta stated we are well on our way and it may take a little longer than we expect but are hoping it will be done by the end of 2009. Sanden asked about the top of page 2, strike two towns per year are scheduled to have COGO compiled, is that to give you more leeway to do as needed or as the appropriate controls come online? Pichotta stated that we are

also COGO- ing Villages and Cities and that yes the proposed language does give us more flexibility.

Rohl moved to approve the proposed revisions to the Pierce County Land Records Modernization Plan/Sanden seconds. All in favor. Passed.

Discuss proposed revisions to Chapter § 240 relating to alternative energy source permitting.

Staff Report – Brad Roy: Alternative energy sources are becoming more popular. With this, staff is anticipating an increase in requests for alternative energy generation sources. The current zoning ordinance requires all wind electrical generation towers receive a conditional use permit and prohibits them in the Rural Residential Districts. Solar energy systems are unregulated up to 1000 square feet, at which point a conditional use permit is required. The State of Wisconsin has passed § 66.0401 which states:

No county.....may place any restriction, either directly or in effect, on the installation or use of a solar system or a wind energy system... unless the restriction satisfies one of the following Conditions:

- (a) Serves to preserve or protect the public health or safety.
- (b) Does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) Allows for an alternative system of comparable cost and efficiency.

Due to the county's limited ability to deny such requests, staff believes that a modification to the zoning ordinance is appropriate. The proposed changes will provide a simplified process for systems where the applicant is looking to supplement the energy uses on-site. Noncommercial systems or "personal" systems will become permitted uses in all districts, except the Shoreland-Wetland district and only require a Land Use Permit. Requests for Commercial or larger systems, ones that are to generate energy for off-site consumption, will require a conditional use permit. The standards and application requirements are intended to ensure public health and safety. When reading through this I was hoping people would consider whether the approach of being permissible to "noncommercial systems" is appropriate for the County, as well as the following: Are the standards and application requirements enough to ensure public health and safety? Are any of the standards and application requirements unreasonable or unnecessary? Should the residential districts have more limitations? Are there any other changes that you feel are appropriate? With the wind energy systems there are a couple guides to go by but for solar systems there isn't much information out there, some regulations from CA where those systems are more prominent. Chairperson Barkla asked where most solar panels are manufactured. Sanden stated First Solar is out of Phoenix but they manufacture for Commercial use and there is Evergreen Solar in the US. Pichotta asked the committee if they felt staff should be looking into this concept. Should we be permissible for this technology, should we differentiate for personal use versus commercial, and perhaps by generation ability? We need to solicit information from other folks also. Sanden stated for the solar, in some states, they have a solar access easement; for example if your neighbor puts a solar panel up that shades your property you could have them remove it. Roy stated WI § 66.0403 addresses that issue and we wouldn't want to put solar access rights into our code but refer to the state. They would have to come in with a plan to construct something that would create a disturbance in that persons solar access rights. Basically you would be very limited in denying a solar access right also. Mike Michaud, Maiden Rock, my business is consulting on wind energy systems and policy. I live on a two acre parcel and have 70 ft trees on it so I wouldn't qualify for a wind tower of the necessary height without going through a variance. One major issue is on the commercial side where your definition says one or more wind turbines. It implies that you could have a wind farm. I would suggest restrict this to two or three or develop a separate ordinance to address clusters of wind turbines. The 100 kilowatt cutoff between commercial and noncommercial is an applicable scale. On the 110% setbacks, there is no real basis for having it over the tower height. It's pretty remote that one would collapse. The other thing to think about on the noncommercial side is the cost effectiveness of the system that matches consumption. A language clarification for consumption load; primarily intended to reduce consumption, maybe should read a portion of the consumption is

used to offset output load. I wouldn't want mine classified as a commercial use because of the output. One other issue would be a limit on the upper density per mile. If you have a wind tower in a high density area, it wouldn't make sense for everyone to own one but maybe for them to go together on one. Staff indicated that they would continue work on the ordinance and keep the LMC informed.

Departmental Update and Future Agenda Items

Amendment to ordinance 240-37.1 Light Industrial Uses, interior of warehouses has to be concrete, amend to read other types of materials such as asphalt.

Farmland Preservation Agreement for Hilton Fiedler

Chairperson Barkla stated several weeks ago there was an evaluation of Mr. Pichotta and instruction to get together with Administration regarding goals. Pichotta stated he came up with a draft and sent it to the AC, he made changes, that I feel are inappropriate.

Chairperson Barkla asked for an update on the project at Trimbelle on Hwy OO & 10. Pichotta stated the parking lot and a trail is there. The rip rap for the most part is in. Mr. Harris stated there has to be an adjustment to make the habitat cribs work better. We can't do anything in the stream until after May 15, because that's when the trout are done spawning. Pichotta asked what the timeframe for paving is. Mr. Harris stated probably in August. Pichotta asked if they could speed that up. Mr. Harris stated that it's a really wet area and it's best to work when it's dry.

Chairperson Barkla asked if there is still going to be a pavilion there. Mr. Harris stated it will be more like several small ones just large enough to cover one picnic table.

Motion to adjourn at 8:37pm. by Sanden/Rohl seconds. All approve. Motion carried. Respectfully submitted by S. Hartung

**MINUTES - Pierce County Land Management Committee Meeting
May 21, 2008**

Present: Paul Barkla, Don Rohl, Jeff Holst, Eric Sanden and Joe Fetzer

Others: Andy Pichotta, Jim Kleinhans, Emily Lund, Brad Roy and Shari Hartung

Chairperson Barkla calls the Pierce County Land Management Committee meeting to order at 7:00 pm in the Pierce County Board Room, Ellsworth, Wisconsin.

Set next meeting dates: Pichotta, continuing in the same pattern of the 1st and 3rd Wed of each month through September, the dates would be July 2nd & 16th, August 6th & 20th and September 3rd & 17th, all in 2008. **Holst moved to set the meeting dates/Rohl seconds. All in favor. Passed.**

Approve Minutes: **Sanden moved to approve the May 7, 2008, LMC minutes/Rohl seconds. All in favor. Passed.**

Public hearing to consider proposed amendment to Chapter 240-37.1(B)(1) of Pierce County Code; Light Industrial Uses. Chairperson Barkla invited Dave Hiniker forward: We're requesting a modification or addition to the Code under (B)(4). Right now it reads that all structures shall be on concrete slabs. We're asking to add a number (4) that states Seasonal boat and vehicle storage buildings may have concrete slabs. Fetzer asked how big the building will be? Doug Ollom stated 50 ft by 100 ft, or 5,000 sq ft. Chairperson Barkla asked about the impervious surface being gravel or reconstituted blacktop and if there is any information on how impervious these surfaces are? Mr. Hiniker stated he didn't know. Typically those buildings are gravel floors, unless they were built for warehousing at one time. You don't see a lot of oil leaks or contamination because 90% of the boats are inboards with the motor contained. **Staff Report – Brad Roy:** The applicant is requesting changes to the light industrial use requirements. The landowner would like to erect a building for seasonal storage of boats and vehicles, (i.e. RV's, Campers, etc). The applicant believes class 5 compacted or recycled black top rolled and compacted should suffice for buildings with this type of use and has indicated the cost of cement floors would be cost prohibitive for this use. The request is to change the section pertaining to "Warehouse and storage". One change under 240-37.1(B) would be to remove "and boat and vehicle storage" and add a number (4) Seasonal boat and vehicle storage buildings may have concrete slabs. The request would allow for boat and vehicle storage buildings to not be on concrete slabs but for all other Light Industrial Warehouse and Storage structures it would continue to be a requirement. This is to help reduce the likelihood of fluids seeping into the ground. The requested changes use the word seasonal, which is not defined. The request suggests the removal of "and boat and vehicle storage" from 240-37.1(B). The inclusion of "and boat and vehicle storage" is to simply cite this use as an example of Light Industrial Warehouse and Storage. A warehouse or storage garage over 25,000 cubic foot volume requires Department of Commerce approval. Other options for the Committee to consider:

1. The removal of 240-37.1(B)(1) which states, All structures shall be on concrete slabs. This would remove the concrete slab requirement for all Light Industrial Warehouse and Storage buildings and eliminate the need for the requested addition of 240-37.1(B)(4).
2. Modifying 240-37.1(B)(1) to state, All structures shall be on concrete slabs or other impervious surface.

This modification will allow for an applicant to propose a surface other than concrete, but the applicant must prove that the surface is impervious.

Staff Recommendation: Staff recommends the Land Management Committee review the requested revisions and other options, and if appropriate, approve the ordinance with the requested revisions and send the approved version to the Finance and Personnel Committee for review. **Chairperson Barkla opened the public hearing. No public comment. Public hearing closed.** Sanden asked about the concrete floor being a requirement to reduce offsite movement. Would a variance be a better approach? Roy doesn't believe so because they would have to prove a hardship. Holst stated as technology changes there will be all types of things that will suffice as impervious surfaces. We should be open to

alternative methods as long as they do what is intended. Sanden asked if crush rock is impervious. Roy stated he talked to people from UW River Falls and there are a lot of variables involved, depending whether there is a liner, etc. Mr. Hiniker stated he didn't see a problem with boats where the engine is enclosed. This is strictly for storage. Fetzer asked if anyone would be checking the building in the winter and how often. Mr. Hiniker stated the owners will. Holst asked if the building would be used for anything other than the storage. Doug Ollom stated no and it will be checked weekly or twice a week. Sanden stated his concern is a change to the code. In this particular case it sounds like it would be doable but if someone comes to us with something other than inboard motors or something that does have a potential to leak this may not work. Pichotta stated one other factor the committee should be aware of is Chapter 240-19 Accessory uses, under C(3) Incidental renting of agricultural buildings for indoor storage of boats, trailers, recreational vehicles, cars and nonagricultural equipment shall be allowed, provided that:

- (a) Such building used for storage was originally constructed for agricultural purposes and was constructed at least three years prior to its use as incidental indoor storage.

The reality is there is a backdoor way to create a similar situation to this and that could end up being a dirt floor. If we require someone to go through the permitting process and they have to put concrete or some other impervious surface and we've got another way to do it; in a sense we are encouraging people to take the backdoor way. If we go this route, maybe there could be some equity in here. Fetzer asked how much gravel would be put down? Mr. Hiniker guessed there would be 6 – 8 inches. **Sanden moved to approve the modification of 240-37.1B(1) to state, All structures shall be on concrete slabs or other impervious surface/Fetzer seconds.** Pichotta stated the way it's written the applicant would need to demonstrate to the department the degree to which it is impervious. Lund asked if a contractor or an engineer could be hired to determine if it is impervious. Pichotta suggested that if we are going to put this in the code, it needs to be workable. Roy, does the committee feel an impervious surface is needed? Because the code now states for an accessory structure to be used for storage, that isn't a requirement. Is it required here, in the code the examples of uses are, wholesale establishments, storage where customers do not have individual access to storage cubicles and boat and vehicle storage. Pichotta, if you want to be specific, exempt seasonal boat and storage buildings, under #1 you could say; All vehicles should be on concrete slabs, except seasonal boat and vehicle storage buildings may be allowed on other compacted materials. It seems unreasonable to hold folks that are going through the proper channels to a higher standard. **Sanden and Fetzer withdraw motion and second. Sanden moved to amend 240-37.1(B) to strike and boat and vehicle storage from the text and under #1, revise to read, "All structures shall be on concrete slabs except seasonal boat and vehicle storage buildings which may be on a concrete slab" and forward a recommendation to Finance and Personnel/Rohl seconds. All in favor. Passed.**

Discuss take action on Farmland Preservation Agreement for Hilton Fiedler on property located in the W ½ of the NW ¼ in Section 5, the E ½ of the NE ¼, parts of the NW ¼ of the NE ¼ and the N ½ of the NW ¼, in Section 6, T26N, R19W, Town of Oak Grove and part of the SE ¼ of the SW ¼ of Section 31, T27N, R19W, Town of Clifton, Pierce County, WI. Staff Report – Jim Kleinhans: Mr. Fiedler brought in his application to the Land Conservation committee earlier this winter. There was discussion about the nutrient management plan which had not been completed. He has since started that plan but to date it is not complete. This request is for a 10 year Farmland Preservation Agreement including 250 acres. Mr. Fielder has previously been under a 25 year program with 175 acres. That contract will expire next month. The majority of the activity on the farm is livestock and grain production but Kraemer does maintain a quarry there with a conditional use permit. The farm is operated in accordance with a conservation plan with the Land Conservation Department. Precision Ag is the company Mr. Fiedler chose to do the 590 Nutrient Plan. As soon as that is submitted to the Land Conservation Department, staff will be notified. **Staff Recommendation:** Staff recommends the Land Management Committee either:

Approve the application with the condition that the applicant complete a NMP 590 Standard, and that staff will not forward a recommendation to the County Board of Supervisors until such time as the Land Conservation Department notifies the Land Management staff that a compliant plan has been submitted. OR

Defer action on this request until the applicant completes the required NMP 590 Standard. **Holst moved to approve the Farmland Preservation Agreement application for Hilton Fiedler with the condition that the applicant complete a NMP 590 Standard and that staff will not forward a recommendation to the County Board of Supervisors until such time as the Land Conservation Department notifies the Land Management staff that a compliant plan has been submitted/Sanden seconds. All in favor. Passed.**

Discuss take action on a request for site plan review for General Retail & Services to operate a flea market during summer weekends in the Light Industrial District by Paul Larson, owner on a parcel of land located in the SW ¼ of the SW ¼ of Section 18, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Jeff Holst recused himself from discussion and voting on this item due to a possible conflict of interest. Mr. Larson stated Mr. Kleinhans did a site visit and took decibel readings in front of the motor home with the satellite radio playing as loud as it could get. That was 60 decibels. 100 feet away was 55 decibels, the train going by was 80 decibels and the traffic out on Hwy 35 was 70 decibels. He stated they are putting in a temporary fence to start at the right-of-way on Cty OO in between the County Shop and the woods. **Staff Report – Jim Kleinhans:** The conditional use permit was issued with 10 conditions. There was one adjacent neighbor, Anita Kavitz, at the meeting that expressed concerns. I met with Paul on site to address those concerns and he proposed a way to mitigate them. One was the security fence along Cty Rd OO and we took some decibel readings on the sound. The trains and truck traffic are a lot louder than what he is trying to do. Also waste receptacles will be placed by each vendor along with other locations. The porta-potties will be available along the parking lot. Steve Sletner’s engineering firm called TEC Design has been hired to help out with the stormwater permit from the DNR. The on-premise advertising sign is situated in the right-of-way so that will have to be removed before we can issue the land use permit. Trees and shrubs have been planted along the road corridor and parking lot boundaries. On the plan that was submitted, we do have several handicap parking spaces proposed adjacent to the flea market. Recent upgrades are the driveway was paved from Hwy 35 to the facility. **Staff Recommendation:** Staff recommends the Land Management Committee consider whether anything else that would be of concern and if satisfied with the information provided in this report, allow Mr. Larson to continue with his business. Sanden asked what the fence will be constructed of. Mr. Larson stated it’s a snow fence. Rohl asked what the name of the project will be. Mr. Larson stated “Hog’s Valley”. Kleinhans stated there is one more concern since the days were changed to Friday and Saturday for camping. Mr. Larson wondered if the motor homes could be left there Sunday night to avoid trying to get out into the traffic on Hwy 35 on a Sunday afternoon. Chairperson Barkla stated the reason for the change was to allow for setup. Mr. Larson stated most of the people who own motor homes are older people. They like to leave early in the morning so they can arrive at the next camp area and get set up before dark. He asked if they could be backed up in the parking lot on Sunday night to leave early Monday morning. The only motor homes will be vendors, not campers. Pichotta stated per code if you own a parcel of land, you can allow three people to camp on that property; allowing four to camp, or a advertising the site as a campground would require the issuance of a permit. You have several parcels there so it shouldn’t be an issue. Mr. Larson presented pictures from Ms Kavitz’s driveway looking out toward his property. Sanden asked if Jim had seen any need for additional shrubs or trees to help mitigate the noise. Kleinhans stated they were 200 ft from the stage with decibel readings of 50 and the music is directed toward Hwy 35. It’s a wooded hillside along Cty Rd OO and you really couldn’t hear it. **Rohl moved to approve the site plan for General Retail & Services to operate a flea market during summer weekends in the Light Industrial District for Paul Larson/Sanden seconds. All in favor. Passed.**

Discuss take action on a request for a rule exception to the required 66 feet of road frontage on proposed Lot 1 owned by Harold & Dorothy Kirpach, located in the SE ¼ of the SE ¼ of Section 3, T25N, R19W, Town of Diamond Bluff, Pierce County, WI. Chairperson Barkla invited Mr. Kirpach forward. Jeff Holst recused himself from discussion and voting on this item due to possible conflict of interest. Mr. Kirpach explained they have lived on this property since the early 1990's. In the fall of 2007, they decided to sell 40 acres to the Holst family and kept the homestead which was 1.1 acres. They could sell the 40 acres clean without access to the Holst family because they owned adjoining property. They had an attorney involved to help with the easement or egress to the parcel. They were not aware of the 66 ft road frontage requirement. **Staff Report – Emily Lund:** Mr. & Mrs. Kirpach, along with the surveyor are here tonight. Mr. Kirpach owned 41.1 acres, sold 40 acres to Holst Farm and is retaining 1.1 acres. Unbeknownst to them Chapter 237 requires a certified survey map whenever a parcel is reduced below 15.00 acres. Mr. & Mrs. Kirpach have cooperated with our office. The property includes 33 ft of road frontage along 370th Ave. They do not own any adjoining land. The property is located in the Town of Diamond Bluff and is zoned Agriculture Residential. Pierce County Code Subdivision of Land § 237-26(C) states: “Every lot in a land division shall front or abut on a public or private street for a distance of at least 66 feet unless a rule exception is granted by the Land Management Committee. To sum up the rule exception; it can be made by the Land Management Committee as long as it does not nullify the intent and purpose of this chapter and you need a majority vote setting forth reasons which justified the rule exception. Another alternative to requesting this rule exception is to rescind his application or build a private or public road that would be long enough to abut or front the property for 66 feet. **Staff Recommendation:** Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception. Mr. Kirpach stated the ordinance or rule wasn't in effect in 1994 when they got the original permits and he feels they should be grandfathered in. He asked when the code went into affect. Lund stated in 1998. Pichotta stated that the issue is that you are seeking to reduce an exiting parcel below 15.00 acres at this time – so the current code applies. This is basically similar to request the LMC heard for the Town of Oak Grove. A gentleman had approximately 60 acres and wanted to sell the house with four acres and retain the farmland. The four acre parcel was on a shared driveway without road access. The committee decided that to allow the rule exception would merely allow an existing situation to continue and it didn't have the affect of nullifying the intent or purpose of the chapter. Rule exceptions are on a case-by-case basis. They are not precedent setting. Sanden asked why 66 foot rule applies. Pichotta stated 66 foot of frontage is the typical width of right-of-way should someone seek to put in a future road. A driveway could utilize smaller frontage. The 66 foot of frontage only applies to parcels under 15 acres. You could have multiple 15 plus acre parcels that are accessed by an easement. The thought on road frontage as a requirement for small parcels is to ensure that regardless of what happens, someone has access to their parcel. Kleinhans asked what the condition of the road is. Lund stated that it is a gravel road. **Sanden moved to approve the rule exception to the required 66 feet of road frontage on proposed Lot 1 for Harold & Dorothy Kirpach due to the fact that it does not nullify the intent and purpose of the code/Rohl seconds. All in favor. Passed.**

Departmental Update and Future Agenda Items

Rezone request in the Town of Salem

Conditional use permit for a Private Outdoor Recreation use for motorcross facility in the Town of Gilman

Discuss take action on a renewal of a conditional use permit for used car sales in the Town of Oak Grove

District 2 Supervisor Jim Camery commented on a situation regarding a kennel issue in the Town of Clifton.

Motion to adjourn at 8:02pm by Holst/Sanden seconds. All approve. Motion carried. Respectfully submitted by S. Hartung