MINUTES - Pierce County Land Management Committee Meeting, January 7, 2009

Present: Paul Barkla, Jeff Holst, Don Rohl and Eric Sanden
Others: Andy Pichotta, Jim Kleinhans and Shari Hartung
Excused: Joe Fetzer

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

Next meeting dates: January 21st, February 4th & 18th, March 4th & 18th, April 1st & 15th, all in 2009.

Approve Minutes: Sanden moved to approve the December 3, 2008, LMC minutes/Rohl seconds. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for Filling and Grading in the Floodplain/Shoreland District for the Town of Diamond Bluff, Fred Ottem, agent on property located on Lots 2 – 4 of Block E, Lots 1 – 5 of Block B, including the Levy in the Enoch Quimby Addition, all in Section 13, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.

Chairperson Barkla invited Fred Haverlandt and John Norquist forward:

Mr. Haverlandt explained they are putting a park improvement plan together. One of the integral issues was the grants received; one was for water runoff, the culvert and grade change to the park access along with the improvement to the parking on the top and the access to the beach. The present road has a 20% grade and is not handicap accessible. The fishing piers will be handicap accessible. They will put a parking area down there also and small piers for people to fish from. Sanden asked if they had considered lunker structures for fish habitat? Mr. Haverlandt stated they are right on the river and it should form some eddies. At the end of these piers it should be 6 to 8 ft deep. Mr. Norquist stated there are supposed to be 40 species of fish in the Mississippi in that general area.

Staff Report – Jim Kleinhans:

This is a conditional use permit for filling and grading in the floodplain/shoreland district. This project has been in the works for several years. Staff received another revision from TEC Design on the 6th. The project has evolved for the better. The Town of Diamond Bluff supervisors approved this plan at their November 13, 2008 meeting. WI DNR staff reviewed and approved this project on December 5, 2008 for Chapter 30 requirements. A minor portion of the park development involves encroachment on the upstream adjacent property owner. Mr. Wentz submitted a statement of approval provided the ground disturbance is graded for easier maintenance. The staff report covers a few things to consider for review and approval.

A. Park access road realignment/reconstruction to reduce the grade.
B. Reconstruct 290th Avenue with a pipe inlet to improve surface water drainage in conjunction with extension of the road culvert to control surface water runoff.
C. Develop hiking paths, picnic areas plus handicap parking and river access.
D. Develop fishing piers with fill placement in the floodplain.
E. Stabilize all graded and filled areas with suitable ground cover and mulch.

The TEC Design covered some of these in the revised plan and considered the best management plans. The fill placed for the fishing piers was analyzed by the DNR staff and the engineers felt there was no conflict. In the handicap parking area, they decided to place wet detention base at the outlet to help collect sediment and lessen the chance of debris floating out into the flume. Scourstop material was recommended but was not incorporated into the plan. The land disturbance associated with this directly flows into the river so stabilization should be done immediately after final grading. Timing of the project should be effective so that seeding will be established before fall. Erosion control plans are in

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the staff report. The silt fence locations were revised on the current plan. Proposed seeding mix is a #20 seed mix at 3 pounds per 1,000 square feet. Land Conservation staff and I thought they could make it look more natural by incorporating native plants like little bluestem which is located down by the boat landing and would do well there. The plan shows the detail of the culvert which slopes down to the beach and goes underneath the proposed realignment of the road. The project will go out for bids early this year. **Staff Recommendation:** Staff recommends the Land Management Committee approve this conditional use permit with the following conditions:

1. Contractor shall follow plans dated January 6, 2009 and conditional approval items.
2. The Land Management Department shall be notified at the project initiation.
3. Streamside construction should commence after the Mississippi River is managed at the average pool elevation.
4. Riprap exposed above the normal pool elevation of 674.3 should be covered with soil and vegetated with approved plantings.
5. Final graded and seeded areas should be marked off until stabilized to prevent damage by animals and human traffic.
6. Erosion control best management practices shall be implemented immediately after final grading. Seeding be established and maintained until the site is stable.
7. All ground disturbing activities should be completed by September 15, 2009 to establish vegetative cover.
8. The project be completed within 12 months of approval.

**Chairperson Barkla opened the public hearing. No public input. Public hearing closed.** Sanden asked what is the purpose of having the asphalt access concave? Kleinhans stated to take care of sheet runoff with the water running right off the lower bank into the parking area. **Holst recused himself from voting on this issue due to possible conflict of interest.** Sanden moved to approve the conditional use permit for filling and grading in the Floodplain/Shoreland District for the Town of Diamond Bluff with conditions #1 - #8/Rohl seconds. All in favor with Jeff Holst not voting. Passed.

Discuss take action on a request for a Farmland Preservation Agreement for James & Mary Kay Schaffner on land located in the E ½ of the NE ¼ of Section 19, the W ½ of the NW ¼ of Section 20, the SE ¼ of the SE ¼ and the S ½ of the NE ¼ of Section 18, Town of Spring Lake, Pierce County, WI. **Chairperson Barkla asked Andy Pichotta to report:** **Staff Report:** This request is for a 10 year Farmland Preservation Agreement including 220 acres. The property has been in the program under agreement number 14759-0. The parcel is located in the Town of Spring Lake. The major farm activity is grain and hay (grass). This application states 137 acres are used for cropland, 45 acres used for woodland, 34 acres used as pasture and 4 acres used for other uses. The Land Conservation Committee “certified that the applicant’s farm operation is conducted in compliance with soil and water conservation requirements adopted by the County Land Conservation Committee” on 11-20-2008. The Land Conservation Department stated the applicants have the required Nutrient Management Plan on file with them. The majority of the soils on the property include prime farmland and farmland of statewide importance. **Staff Recommendation:** Staff recommends the Land Management Committee approve this farmland preservation agreement and forward a recommendation to the Pierce County Board of Supervisors. **Rohl moved to approve the Farmland Preservation Agreement for James & Mary Kay Schaffner and forward a recommendation to the Pierce County Board of Supervisors/Sanden seconds.** All in favor. Passed.

Discuss take action on a request for a Farmland Preservation Agreement for Wallace & Carol Franta on land located in all of the NW ¼ of Section 3 and the W ½ of the NW ¼ of the NE ¼ of Section 3, Town of El Paso, Pierce County, WI. **Chairperson Barkla asked Andy Pichotta to report:** **Staff Report:** This request is for a 15 year Farmland Preservation Agreement including 179.5 acres. The property has been in the program under agreement number 006328-1. The parcel is located...
in Section 3 of the Town of El Paso. The major farm activity is dairying. This application states 149 acres are used for cropland and 30.5 acres are used for other uses. The Land Conservation Committee “certified that the applicant’s farm operation is conducted in compliance with soil and water conservation requirements adopted by the County Land Conservation Committee” on 12-18-2008. The Land Conservation Department stated the applicants have the required Nutrient Management Plan on file in their office. The majority of the soils on the property include prime farmland and farmland of statewide importance. The types present are noted in the staff report. **Staff Recommendation:** Staff recommends the Land Management Committee approve this farmland preservation agreement and forward a recommendation to the Pierce County Board of Supervisors. **Rohl moved to approve the Farmland Preservation Agreement for Wallace & Carol Franta and forward a recommendation to the Pierce County Board of Supervisors/Sanden seconds. All in favor. Passed.**

**Departmental Update and Future Agenda Items**
Public hearing for a Farm & Home Based Business for a nursery in the Town of Trenton

**Motion to adjourn at 7:20pm by Rohl/Sanden seconds. All in favor. Motion carried.** Respectfully submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, January 21, 2009

Present: Jeff Holst, Don Rohl, Joe Fetzer and Eric Sanden
Others: Andy Pichotta, Jim Kleinhans and Shari Hartung
Absent: Paul Barkla

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

Next meeting dates: February 4th & 18th, March 4th & 18th, April 1st & 15th, all in 2009.

Approve Minutes: Rohl moved to approve the January 7, 2009, LMC minutes/Sanden seconds. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business in the General Rural Flexible District for Bryan Reuvers, owner on property located in the NW ¼ of the SW ¼ of Section 9, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Fetzer invited Bryan Reuvers forward: Mr. Reuvers explained they would like to expand their business to 5,000 square feet. They have an existing greenhouse 30 ft x 36 ft and would like to construct a new greenhouse that would be 30 ft x 48 ft. Sanden asked if any of the operation is done out of the dwelling and do they employee more than eight people. Mr. Reuvers stated no and they have a few part-time employees. Staff Report – Jim Kleinhans: Mr. Reuvers obtained a home business permit in 2005 for a landscaping business that is growing so he is looking to expand. He lives on 340th Ave, a gravel road with direct access to County Road K. There is only one person living on that road. They have an evergreen buffer between the road and that home so the dust control shouldn’t be an issue when they get busy in the spring. It’s a family run business. He has some indoor growing areas right now and outdoor retail spaces. Hours of operation are from 8:30am to 6:00pm 6 – 7 days a week during the growing season. They provide a portable outhouse for the public. There are some advertising signs and on and off-premise directional signs that are in compliance with County zoning codes. The Town of Trenton recommended approval of this conditional use permit as an expansion of the existing use. One issue could be parking. Jim noted that the length of the driveway is several hundred feet and there is an additional spur for unloading of equipment off the Town road. This should provide adequate parking at this time. If he wants to expand in the future, we would have to look at parking. Staff Recommendation: Staff recommends the Land Management Committee approve this conditional use permit for a farm and home based business with the following conditions:
   1. The applicant shall comply with maximum building size restriction for a farm and home based business.
   2. Any proposed advertising signage shall comply with the zoning code standards.
   3. This CUP shall be valid for 2 years and may be renewed administratively unless compliance issues arise.
   4. The total number of outside employees shall not exceed eight.
   5. The number of off street parking spaces provided for this business shall be consistent with the standards set forth in the zoning code. Adherence to parking standards will be assessed by staff in the spring.

Chairperson Fetzer opened the public hearing. No public input. Public hearing closed. Sanden asked if there have been any complaints since the business started in 2005. Kleinhans stated no. Holst stated that this is the type use that he likes to see in Pierce County. It borders Diamond Bluff and Diamond Bluff is not opposed to it. Holst moved to approve the conditional use permit for a farm and home based business for Bryan Reuvers with conditions #1 - #5/Rohl seconds. All in favor. Passed.
Departmental Update and Future Agenda Items
Public hearing for a communication tower for T-Mobile in the Town of Martell
Convene into closed session for Land Management Director’s annual evaluation
Comprehensive Plan Steering Committee will have a public hearing Tuesday night, Jan. 27th, in the Emergency Operation Center. Once the plan is approved by the committee, they will pass a resolution and send the plan to the Land Management Committee for consideration. We will go over all the issues at a couple meetings. Pichotta distributed a copy of the draft goals, objectives and policies to the committee. Starting at the next meeting we will systematically go through the plan. Pichotta noted that toward the end of the plan are action steps, and suggested that particular attention be paid to that section. Basically it lays out actions that the Land Management Staff will be charged with doing over the course of the next five years. Sanden asked if the committee would be formally adopting the plan and if there would be a public hearing. Pichotta stated yes, once you are comfortable with it, we will schedule a Class I hearing with a 30-day notice. It will be the same as a new ordinance. We will hold a public hearing and the LMC will make a recommendation to the County Board. I’m hoping to distribute the plan, once the LMC has made any changes, to the full county board prior to it showing up at the County Board. Sanden asked how attendance at the Town meetings has been. Pichotta stated generally not great. There have been 24 meetings throughout the County with a number of folks attending but often more interested in discussing their town plans rather than our plan. Holst stated the last time a comp plan was done there were 200 – 300 people in attendance. People are less apprehensive about it this time around. Sanden voiced concern over the plan moving to the adoption phase and then having people showing up to say they weren’t aware of the process. Pichotta suggested that when reading through the goals, objectives and policies, the LMC should keep in mind that this is intended to apply to 17 different Towns and give general guidance to land use decisions County wide, as well as in the Villages and Cities even though we don’t have jurisdiction. Noting that if a Village or City doesn’t adopt a plan, in theory, our plan is the default.

Motion to adjourn at 7:16pm by Holst/Rohl seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung

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MINUTES - Pierce County Land Management Committee Meeting, February 4, 2009

Present: Paul Barkla, Jeff Holst, Don Rohl, Joe Fetzer and Eric Sanden
Others: Andy Pichotta, Jim Kleinhans and Shari Hartung

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

Next meeting dates: February 18th, there may be a conflict with this meeting. It will be discussed at the end of the evening, March 4th & 18th, April 1st & 15th, all in 2009.

Approve Minutes: Rohl moved to approve the January 21, 2009, LMC minutes/Fetzer seconds. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a Communication Tower in the Primary Agriculture District for T-Mobile, agent for Larry Borgerson, owner on a parcel of land located in the NW ¼ of the NE ¼ of Section 7, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Barkla invited Ron Gunderson forward:

Mr. Gunderson with T-Mobile Central LLC explained the application is to construct a 190 foot monopole, multi-tenant cell tower. This primary purpose would fill in the gap between River Falls and Martell on Hwy 29. With the application we submitted propagation maps that show existing coverage and improved coverage. We believe we meet all the criteria as far as tower height and setbacks. Sanden asked about the staff report stating 195 ft tower and Mr. Gunderson requesting a 190 ft tower. Mr. Gunderson stated the steel is 190 ft with the attachments for the lightning rods making it 195 ft.

**Staff Report – Jim Kleinhans:** Mr. Gunderson is requesting a communication tower on property located in Section 7, Town of Martell and is zoned Primary Agriculture. Wireless communication service facilities (WCSF) greater than 70 feet in height are conditionally permitted in this district. This proposed site was previously considered on September 3, 2008 where the tower had to be relocated to comply with site conditions.

Application covers all the procedures which are listed in the staff report. Two property owners are located within the 1320 foot setback and have provided waivers. The tower company provided a copy of the lease which is for five years with five year extensions, liability insurance for 1 million dollars per occurrence and 2 million dollars aggregate. They did supply a radio frequency analysis. T-Mobile proposes to lease a 60 ft x 60 ft area for the facility surrounded by an eight foot fence with a grounding ring and several ground bars. The site is equipped with a 911 GPS antennae. The electrical plans show the tower is grounded utilizing a grounding ring and several ground bars. Staff received a petition from several neighboring residents in opposition to this proposed tower facility at the time of the previous request in 2008. Concerns included adverse effect on property values, danger to migrating birds and harm from electromagnetic waves. T-Mobile operates according to FCC standards and regulation. Carl Stine’s private airstrip is located slightly over three miles south and east of this proposed site. The Town of Martell Supervisors recommended approval of this facility provided the county considered camouflage or height issues to make the tower less noticeable.

**Staff Recommendation:** Staff recommends the Land Management Committee determine whether or not this request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found to be not contrary to the above, staff recommends approval if a conditional use permit for a 195 foot WCSF with the following conditions:

1. A land use permit will be issued and then renewed annually for this WCSF based upon current fee schedule.
2. The WCSF will have a surety for abandonment or other arrangement with the Land Management Committee.
3. The Land Management Department must be notified of any change in ownership or management of this tower facility.
4. The tower owner must accommodate additional users at market rates.
5. The tower operators must correct any electrical interference caused by their activities to surrounding landowners.
6. Annual tower inspection reports will be submitted to Land Management Department which warrants the structural integrity and demonstrates that the tower is grounded according to the most current standards.
7. The tower shall be painted light blue.
8. The WCSF shall be constructed within 12 months of the approval date.
9. A uniform address number must be assigned for all T-Mobile facilities.
10. Site development and construction must be conducted to avoid negative impacts to 710th Street.
11. All antennae and lighting rod(s) shall be installed no higher than 195 feet above ground level.

Chairperson Barkla opened the public hearing. Tom Loosmore has a petition signed by several land owners in the area opposed to the tower. He is concerned about health issues, the drop in property values and the effect on migrating birds. He is also concerned about the property becoming a tower farm. Kiki Augustin lives directly across from where the proposed tower will be. She feels the view will be eroded by the tower and is concerned about the long-term health of T-Mobile and whether they will be there in the future. She questioned if the surety bond is enough and who takes care of the tower if the company goes bankrupt? Kleinhans explained that our bonds are reviewed by Corporation Counsel and the County enforces them. The County would contract out for clean up if T-Mobile defaults. John Kenefick, lives on 810th Ave, directly south about a half mile. Two major points, the gap isn’t as serious as it’s made out to be and the second point is that he reads an article about intermittent cell towers being obsolete in the next few years. Mr. Kenefick presented an article to the committee on FEMTO cells, new technology which uses the internet to translate the cell phone into the land line. He questioned the cost for the tower being put toward wireless internet servers for the entire County. Bob Green, lives on 690th St, asked several questions. He asked that the 190 ft be put into perspective as to how high the tower is and what a stealth tower is? He stated there have been references to ancillary uses, receivers, transmitters, other equipment; does that mean if the tower is approved it can proliferate if not into a tower farm but into a collection of outbuildings, guide wires and structures? Kleinhans showed a picture of a stealth tower, that looks like a tree. He stated or they put them inside a silo or existing tall structure and put the antennas on top of the building. T-Mobile lost some elevation by going to the new location. In order to get the coverage that they need, they had to go to that height. Regarding proliferation of towers; we require collocation for other communication facilities. If T-Mobile is going to build a tower, they have to build it so at least two other users are on this site. They would build another electronics cabinet within the 60 ft compound. There could be an easement issue or electronic issue if attached to the power poles. Mr. Gunderson stated as a point of reference the monopole tower over by the Red Barn is 170 ft high. Randy Johnston stated he is opposed to the tower and supportive of Jack Kenefick’s ideas regarding new technology. Vicky Green is an adjacent property owner, stating Mr. Borgerson’s property is an L-shape around theirs and doesn’t want it to be used as a highway for utilities. Suzanne Loosmore questioned the statement that the tower operators must correct any electrical interferences. She wondered what the interferences could be; satellite TV, appliances, etc and what would it take to correct this. Kleinhans stated cell phones are licensed at certain wavelengths, usually 900 megahertz, televisions and radios operate at different wave lengths. If there is interference in someone’s residence, the tower company has to put in filters. Public hearing closed. Fetzer asked about two carriers. Mr. Gunderson stated county ordinance states the tower has to be able to hold the equipment for T-Mobile and two additional carriers on the same tower. Sanden asked about a lower height and the nature of lighting on the tower. Mr. Gunderson stated the 190 ft is a compromise from the 250 ft the engineers wanted. Simply precluded by ordinance; they had to come down. There won’t be any lighting because it’s below the 200 ft ceiling required by FAA and not in close proximity to a FAA regulated air strip. They have applied a 74/60 application to FAA for final determination. Sanden asked if anyone has done a migratory bird study in that area. Kleinhans stated no. Pichotta stated there have been two major bird kills in regards to cell towers, one in Duluth and one in Eau Claire with lighted guyed lattice towers where the birds hit the wires when circling in fog. When we amended our cell phone tower ordinance six or seven years ago we tried to make it so towers would be as unobtrusive as possible. According to the telecommunications act, you can’t tell cell phone companies they can’t build towers but you can establish parameters within which they can operate. For instance we limit them to under 200 ft, meaning they won’t be lit, require that they be monopoles, and painted light blue - which doesn’t make them invisible but less obtrusive than some other color. We don’t have the ability to say no but we try to protect the residents as best we can. Mr. Gunderson asked to have information entered into the record regarding a report done for MN Public Radio assessing the impact of radio towers and migratory birds in a major flyway. The final conclusion; there was no impact for towers under 500 ft. They found no migratory bird kill in a major flyway along the river. Kleinhans stated Mr. Gunderson if they have ever considered putting the tower on a power pole as suggested. Mr. Gunderson stated wooden poles don’t have the structural integrity to hold the coax lines and antennas because of the wind load created on them. The only place he has seen antennas attached to power
poles are along major highways or freeways on those huge poles and can only be in the neutral zone. To service or maintain - the lines have to come off the top and come off service. It’s a major inconvenience and engineering nightmare. Sanden stated by WI Law, we have to allow windmills or solar cells unless there is some compelling reason not too. According to the telecommunications act we have the ability to regulate it but we don’t have the power to deny it, is that correct? Pichotta read the four federal regulation limitations the Telecommunications Act of 1996 places on local government. If a cell tower company owns or has access to property as part of the spectrum there is an expectation that they will use it and if they don’t, they run the risk of it being taken away. Kleinhans stated that he has a real estate value impact study done by Ruppert & Associates in the Stillwater, Golden Valley and New Hope area on residences near 300 ft, 400 ft and 200 ft lattice towers. They found that there was no negative impact on property values and selling price. Chairperson Barkla asked when the study was done. Pichotta stated 1996 and noted that the study was commissioned by a tower company. Chairperson Barkla referred to Mel Pittman. Mr. Pittman stated he is on the County Board but not on this committee so has no voting privileges. He made comments and stated if you live in an area that has the elevation; companies are going to want to put their towers there to serve the customers. If we want electricity and to have communication available; those things have to be somewhere. Holst moved to approve the conditional use permit for a 190 ft WCSF for T-Mobile with conditions #1- #11 due to the fact this request is not contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Rohl seconds. Chairperson Barkla asked Kleinhans to clarify condition #9 the address issue. Kleinhans stated that APT put up two towers in the County, that T-Mobile bought out, which do not have uniform address numbers. This is a safety issue for the workers and for coordinating an emergency call. I suggest we get addresses for these two facilities as well. Pichotta stated he isn’t sure it is appropriate to attach those to the conditions. A CUP is a mechanism through which you identify conditions necessary to mitigate offsite impacts for the issue at hand. The appropriate avenue would be to request that they obtain them. Mr. Gunderson stated absolutely if they are owned by T-Mobile. All in favor. Passed.

Discuss take action on the Comprehensive Plan. For the public, Pichotta explained the three-phase process that has taken place on the Comprehensive Plan. Noting a Steering Committee was made up of 11 different members from four areas of the County. 20 public meetings and open houses were held at different times and locations throughout the County. The Steering Committee approved this document by resolution and forwarded it to the LMC. The committee will now go through it and see if any changes are necessary. When the committee is comfortable with it, we will hold a public hearing to consider its adoption as any other ordinance. After this committee adopts it, it will be forwarded to the County Board of Supervisors for two readings. Pichotta read the Vision Statement and proceeded with Agricultural, Natural and Cultural Resources, discussion followed.

Departmental Update and Future Agenda Items
Chairperson Barkla stated there is training for the County Board members on the 18th, the Land Management Committee could meet at 5:00pm before the training or cancel the meeting. Pichotta stated we have one item on the agenda; the renewal of the nonmetallic mine for Wieser. We could bump that to the next meeting but it would kick us out two more weeks on the Comp Plan. Barkla stated he knows the desire to get something adopted before the first of the year. Pichotta stated two weeks won’t make that much difference. Mr. Flory, Town of Rock Elm, asked if the Comp Plan items that are going to be discussed could be noted on the agendas. Pichotta stated we will note on the agenda which items will be discussed.

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 Land Management Director. Holst moved to convene into closed session/Fetzer seconds. Roll call vote. Barkla, yes. Fetzer, yes. Rohl, yes. Holst, yes. Sanden, yes. Passed. Convene into closed session at 8:50 p.m.

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

Motion to adjourn at 9:40pm by Rohl/Sanden seconded. Motion carried.

Respectfully submitted by S. Hartung
Present: Paul Barkla, Don Rohl, Joe Fetzer and Eric Sanden
Others: Andy Pichotta, Brad Roy and Shari Hartung
Absent: Jeff Holst
Chairperson Barkla called 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 18th, April 1st & 15th, all in 2009.
Approve Minutes: Rohl moved to approve the February 4, 2009, LMC minutes/Fetzer seconds. All in favor. Passed.

Motion by Sanden to change the order of the agenda, after the first public hearing, then hear agenda items #3 & #4, as they relate to the same issue. Then hear the second public hearing for Monarch Paving Co, as the 4th agenda item with the 5th, 6th and 7th agenda items remaining the same/Rohl 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 on property located in the SW ¼ of the NE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI.
Chairperson Barkla invited Larry Brenner forward: Mr. Brenner explained he is asking for the same amount of days that he asked for last time, that being 83. This will cover the May through October and the Christmas season. Mr. Brenner stated there were two incidents that resulted in complaints last summer and neither was related to Vino. The first was his nephew and friends camping, playing loud music and shooting off Roman candles. He called Brian Fitch and Jenny Brantley right away to let them know what happened. The second was his fall party, Oktoberfest with some campers getting out of hand and lighting off Roman candles again. Chairperson Barkla asked Mr. Brenner how many days were rained out last year. Mr. Brenner stated two. Sanden asked if the Pierce County Sheriffs Department had come out to Vino in the Valley in the last year. Mr. Brenner stated that after one of the LMC meetings he followed his neighbors on his way home and two days later officers showed up at Vino with a warning ticket for following too close. Barry Hager called him one night when there was a comedian at Vino. Fetzer asked how Mr. Brenner came up with 83 days and in October and December if they are only serving chili and pizza. Mr. Brenner stated starting in May for Mother’s Day and continuing through October and utilizing the Christmas weekends. Yes, for December it would be chili and pizza. But for October, they won’t be shutting the water off until the end of October so they would like to utilize the kitchen and pavilion. Staff Report – Andy Pichotta: This request is to expand/intensify a business endeavor which hosts events where food, beverage and other services are provided. A farmer’s market and gift shop is also located on the property and operates under a separate Conditional Use Permit. The original request was granted approval on March 21, 2007 and later modified the hours of operation on September 5, 2007 to better accommodate the fall and winter “events”. In 2008 the LMC allowed for an expansion/intensification with increased seating, increased days of operation, modified hours of operation, and the use of an audio enhancement system. The original days of operation were limited to 45 days per year. Last year the applicant requested to expand to 83 days; the LMC granted an expansion to 60 days of operation. The applicant is again requesting the days of operation be expanded to 83. The farmer’s market and gift shop are permitted for 83 days of operation per year. On August 20, 2008 the LMC clarified some of the conditions of this permit. It was determined that “lights out” means that all commercial activity must cease not that the actual lights have to be turned off. It was also determined that incidental use of the pavilion is allowed and is not considered an “event” and count as a day of operation, and that incidental camping is allowed on the property as long as it is not conducted in a commercial manner. Condition #11 states that the applicant shall not exceed 60 days of operation per year. The applicant is
not requesting to change the hours of operation, only the number of days. The existing conditions are listed in the staff report. The applicant appeared before the Town of El Paso on January 12, 2009. The Town indicated that they no longer believe it to be necessary to make a recommendation on this operation. Staff verbally confirmed this position on February 5, 2009. The Town previously heard the request for 83 days of operation on January 30, 2008; at that time the Town was in favor of increasing the days of operation to 75 per year (up from the 45 days of operation in 2007). The current conditional use permit is set to expire on March 5, 2009. An approval of this request would essentially terminate the existing permit. Therefore, if approval is granted for the increase, the motion would need to address all appropriate conditions. Previously this permit has been valid for one year with a status report at six months. The rationale for this shorter-than-typical renewal schedule was because this operation was the first of its kind which resulted in a lot of unknowns. If the LMC is comfortable with the operation it may choose to modify condition #7 to the more common practice of having the permit valid for multiple years. Removal of the requirement that a 6 month status report be provided might also be considered. If this request is denied or deferred, the renewal of the existing permit will be addressed as a separate Discuss/Take Action agenda item. **Staff Recommendation:** Staff recommends the Land Management Committee consider this request and its impact on the public interest, health and safety or character of the area.

If the LMC determines that it is appropriate to allow additional days of operation, only condition #11 needs to be modified, modification to the time frame for renewal of the permit would require a change to #7. All conditions should be included in any motion.

1. The applicant shall comply with the restriction 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 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 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 or use will require the issuance of a new conditional use permit.
9. 40 parking spaces shall be designated for this use and there shall be no on street parking.
10. Seating capacity shall not exceed 120 people.
11. Applicant shall not exceed 60 days of operation per year.
12. 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 event from 12pm to 4pm; Sundays 12pm to 8pm. From October through December the hours shall be Saturday and Sunday 12pm to 6pm.
13. Amplified sound shall not exceed 80 decibels at any location. All sound outputs, except monitor speakers, shall be located in the service pavilion.

Pichotta stated he had received a couple of letters to read into the public comment portion of the meeting. **Chairperson Barkla opened the public hearing.** Ron Kannel, El Paso Town Chairperson, stated that Mr. Brenner came to the Town meeting and stated he wasn’t asking for anymore than last year. The Town granted the 75 days last year and doesn’t want to go beyond that. As far as complaints, Mr. Kannel indicated that he hasn’t heard any. Pichotta read an e-mail from Dr. Brian Fitch and Dr. Jennifer Brantley stating they are not in favor of the expansion. They feel the increased traffic and noise problem is a negative impact on public health, air quality and road safety. Pichotta also read a letter from Dan Fischer who serves on the El Paso Planning Commission and Town Board.
commenting as a citizen who feels the business is operated in a professional and responsible manor. He stated there were a couple incidences with fireworks and loud music and that Larry should police his Oktoberfest party. Tony Huppert, Town of Gilman, stated that with the recession, people are asking for jobs and Larry is providing jobs, tax dollars and tourism in Pierce County. Don Nellesen, Town of Gilman, stated that they are working to get the Lt. Governor or the Governor to do a video in Pierce County coinciding with Farm Technology Days. We need to promote tourism in this county. Bill Schramm, Town of Trimbelle, stated that he lives in Trimbelle but owns property near Vino in the Valley and he feels that it gives Pierce County exposure and noted that a lot of the vehicles at Vino have MN plates. Barry Hager stated that he has tried to be a good neighbor but the event with the comedian was really loud so he complained to Larry. There have been a couple other incidences that he wanted to complain but didn’t. Initially when Larry came to the neighbors, he explained it would be one night a week. He is OK with the 60 days and the Christmas season but not in favor of expansion. Chris Chard is the neighbor to the north and stated the noise is a problem. He has called Pierce County Sheriff’s Dept twice. Mr. Brenner stated he takes his four-wheeler to his property lines every night to listen. He is planting additional trees to abate the noise problem. Ron Hendershot stated he has lived in the valley for 39 years and it has definitely changed their quality of life and he agrees with Brian Fitch.

Public hearing closed. Chairperson Barkla asked Mr. Kannel if Larry was present at the Township meeting, January 12, 2009. Mr. Kannel stated Larry was there and said he wasn’t going to be changing anything. Mr. Kannel stated that the County is going to override the Town’s decision anyway so why put time into it. After their Town meeting, Mr. Kannel found out Larry was requesting 83 days so he came tonight to let the committee know the Town’s position - which is the 75 days that they approved - not 83 days. Sanden stated the last time Larry was before the committee he was asking for 83 days and the Town had approved 75 but the residents were clearly divided so the committee voted for 60 days. Sanden asked if the County has received any complaints. Pichotta noted that on August 20th the LMC met and discussed some of the issues of which there had been complaints. We haven’t received any formal complaints since August. Chairperson Barkla asked if the speed limit signs had been put up. Fetzer stated they are posted, one for 35mph and one for 45mph. Sanden asked if the non-restaurant days are part of the 83 days. Mr. Brenner stated with the 83 days; that allows for the October and December dates to have the restaurant open. Fetzer asked to recuse himself from voting due to possible conflict of interest. Sanden moved to approve the conditional use permit to expand/intensify “Vino in the Valley,” a farm and home based business for Larry Brenner due to the fact this request is not contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #13 amending #11 to read “Applicant shall not exceed 75 days” and amend #7 to eliminate the 6 month status report/Rohl seconds. All in favor. Passed with Fetzer not voting.

Discuss take action on a request for renewal of a conditional use permit, if necessary, for “Vino in the Valley,” a Farm & Home Based Business, by Larry Brenner, owner on property located in the SW ¼ of the NE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI. Andy Pichotta stated that no action was necessary for this item because a conditional use permit for expansion/intensification had been granted, eliminating the need for renewal.

Discuss take action on a request for renewal of a conditional use permit for a Farmers Market and Gift Shop, a Farm & Home Based Business, by Larry Brenner, owner on property located in the SW ¼ of the NE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI. This request is to renew the CUP for a farmer’s market and gift shop which operates in conjunction with the “events” business on the property. This operation sells souvenirs, produce, and crafts from neighbor producers and artisans. The LMC granted approval for the original request on March 21, 2007 and later modified the hours of operation on September 5, 2007 to better accommodate the fall and winter “events”. On March 5, 2008 the LMC approved an expansion to 83 days of operation per year and modified hours. The property is zoned General Rural. Two structures have been constructed for this
operation a 12’x 24’ gift shop and a 10’x 40’ pavilion for the farmers market. The existing conditions are:

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 10 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.
7. Applicant shall not exceed 83 days of operation per year.
8. 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 by 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.

In the past this permit has been valid for one year with a status report at six months. The reason for this schedule was because this operation was the first of its kind resulting in a lot of unknowns. If the LMC is comfortable with the operation it may choose to modify condition #5 to the more common practice of having the permit valid for multiple years. **Staff Recommendation:** Staff recommends the LMC consider this request and its impact on the public interest, health and safety or character of the area; and determine if any modifications or additional conditions are needed. Any motion should contain all applicable conditions and not be limited to modifications and additions. If it is determined that no modifications or additional conditions are required, staff recommends the LMC renew this permit with conditions #1-8 as listed above. Mr. Brenner stated he is trying to create a market for his wines. **Rohl moved to approve the renewal of the conditional use permit for a Farmers Market and Gift Shop, a Farm & Home Based Business for Larry Brenner with conditions #1 – 8 amending #5 to eliminate the 6 month status report/Sanden seconds. All in favor. Passed with Fetzer not voting.**

8:05pm, Chairperson Barkla called for a five minute recess.

8:11pm, Chairperson Barkla resumed meeting.

**Public hearing to consider a request for a conditional use permit for a Temporary Asphalt Plant in the Primary Agriculture District by Monarch Paving Co, agent for Kraemer Company, owner on property located in the SE ¼ of the SE ¼ of Section 17, T26N, R18W, Town of Trimbelle, Pierce County, WI.** Chairperson Barkla invited Brent Schulze forward:

Mr. Schulze, Project Manager, stated Monarch is going to be reconstructing Hwy 65 from Ellsworth to River Falls. The duration will be approximately 4 – 6 weeks. They will be producing hot mix. This project will take place some time between May and September. Haul routes will be Cty Rd O, south to Hwy 10 and Hwy 10, north to Hwy 65. **Staff Report – Brad Roy:** Monarch Paving is requesting to place a Temporary Hot Mix Plant in the Kraemer Company’s Svec Quarry. The plant will be used primarily for the State Highway 65 project for Ellsworth to River Falls but may also supply hot mix asphalt to other government agencies and private customers. The Svec Quarry is a preexisting nonconforming (grandfathered) mining operation in the Town of Trimbelle which is approximately 20 acres in size and internally drained. Erosion for the stockpiled plant material will be contained within the quarry. The plant will be almost completely screened from County Road O by existing vegetation and the
quarry walls. The proposed plant will be onsite for approximately 4 – 6 weeks between the period of May and September 2009. The proposed hours of operation are 5:30am to 9pm Monday through Saturday. Equipment maintenance may require extended hours. It should be noted that because of the preexisting nonconforming status of the Svec Quarry the hours of the mining operation in the quarry are unregulated. Haul traffic will exit the quarry to County Road O and travel north to STH 65 or south to USH 10. The plant will typically have 3 employees along with 1 laboratory technician. At times of maintenance the number may be greater. Portable toilets will be placed onsite. The plant will have a Spill Prevention Plan and has been tested for air emissions and certified by the WDNR for operation in Wisconsin. The plant will be required to follow environmental and safety requirements by OSHA and the DNR. A water truck will be onsite to mitigate dust. PCC §240-42 F(2) states: Conditional Use Permits granted for temporary concrete or asphalt batch plants shall be only for the period of the actual project work. PCC §240-42 F(3) states: Temporary concrete or asphalt batch plants shall be removed from the premises within 60 days of the completion of the project. The Town of Trimbelle recommended approval of this request on February 9, 2009 with the rationale that the plant will be located on a CTH at a location that is already a commercial quarry. The Town requested that the following condition be established: Haul trucks not use 560th Ave or 570th Ave as haul roads.

Staff Recommendation: Staff recommends the Land Management Committee approve this conditional use permit for a Temporary Asphalt Plant with the following conditions:

1. Plant use shall cease upon completion of the Hwy 65 project.
2. The plant shall be removed from the premises no later than 60 days after the Hwy 65 project is complete.
3. Hours of operation shall be 5:30am to 9pm Monday through Saturday with extended hours for maintenance.
4. Haul trucks shall not use 560th Ave or 570th Ave.
5. Any unforeseen erosion issue shall be addressed to the satisfaction of the County.
6. Applicant shall receive all other necessary permits and approvals.

Sanden asked if this is a nonconforming use with no limit on hours of operation, would this be considered an expansion of the use or would this be categorized as an accessory use? Roy stated that it would not be considered an expansion, noting that staff looked into the issue. Chairperson Barkla opened the public hearing. Les Kuhn stated that he owns the property south of the plant and came to get assurance of air quality because of renters on his property. Mr. Schulze stated they are certified by DNR. They have to comply with emissions testing and meet certain guidelines with the DNR to be a certified asphalt plant. They have received the Environmental Leadership Award from the DNR for exceeding those requirements. Chairperson Barkla asked how often they are monitored. Mr. Schulze stated it depends on your levels and what type of plant; every two years. They are far enough below to be monitored every four years for a stack test and their Environmental Leadership Award is monitored every three years. Mr. Kuhn asked if the testing was at this site. Mr. Schulze stated it is plant specific. The same equipment will come with that plant. Bill Schramm, Town of Trimbelle, stated that he lives across the road from the quarry and is in favor of getting Hwy 65 repaired. Public hearing closed.

Rohl moved to approve the conditional use permit for a Temporary Asphalt Plant for Monarch Paving Co, agent for Kraemer Company, with conditions #1 – 6/Sanden seconds. All in favor. Motion passed.

Discuss take action on a request for renewal of a conditional use permit for an Asphalt Plant in the Industrial District for Monarch Paving Co, owner on property located in the NW ¼ of the SE ¼ of Section 34, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Brad Roy: This operation was originally permitted in 2001 for nonmetallic mining and the asphalt plant. At the renewal in 2005 it was established that the mining portion of the permit had expired and this site was only permitted for the hot mix asphalt plant. In 2008 the Zoning Office inspected the site and determined that the portion used for mining had been reclaimed in accordance with the approved reclamation plan. If Monarch proposes to mine this site in the future a new Conditional Use Permit...
must be obtained. The asphalt plant at this location has been established as a “permanent” use versus a
“temporary” use. This facility is close to a high concentration of residential properties, increasing the
potential for negative off-site impacts. The original permit conditions included the establishment of a
vegetative berm. The berm has been established around the facility and is being maintained, but will
require more time to become completely effective. At a previous renewal a transportation route was
designated for Minnesota projects. It was stipulated that trucks traveling to Red Wing shall be routed
from 830th Avenue to Hwy 35 to Hwy 63. This route limits the impacts on town roads. The county has
received no complaints about this operation since the last renewal. A Stormwater Pollution Prevention
Plan is on file in the Zoning Office for this site. Final reclamation within the approved plan designates
the site as a permanent asphalt plant. The mining operation on this site was regulated by PCC Chapter
241, Nonmetallic Mining Reclamation and NR 135, Nonmetallic Mining Reclamation. Once mining
ceased and reclamation was completed, staff certified that reclamation was completed according to
approved plans. This process involves releasing all surety bonds; therefore the bond associated with
reclamation was released. § 240-37 B regulates Asphalt plants and accessory uses to nonmetallic
mining. § 240-37 B(3) states: Reclamation of sites and bonds required. The LMC should consider
whether a bond or other surety for this operation is necessary, taking into consideration the fact that
this is an industrial use within an Industrial district and that use of the site is consistent with the
approved reclamation plan. If it is determined that a bond or other surety is necessary, the LMC should
also determine an amount or a method to determine the appropriate amount of the bond. Currently
there is no standard to calculate an appropriate bond amount for this type of operation. The Town of
Trenton stated that they have no concerns regarding the renewal of this permit. On March 16, 2005 the
conditional use permit was renewed with the conditions listed in the staff report.

**Staff Recommendation:** Staff recommends the Land Management Committee renew this conditional
use permit with the following conditions:

1. Applicant shall comply with DNR NR 135 Annual Reclamation Permits. (Strike)
2. Reclamation shall be according to submitted plans.
3. The hours of operation are from 6am to 8 pm Monday through Saturday.
4. The haul route for trucks traveling to Minnesota projects via Red Wing shall be routed from
   830th Ave to Hwy 35 to Hwy 63.
5. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the
county.
6. Height of stockpiles shall be limited to 35 feet.
7. This CUP shall be reviewed for renewal in two years.
   - and if determined to be appropriate/necessary -
8. A performance bond shall be provided.

Sanden asked about a surety bond being required. In 2005, the first condition was that a performance
bond shall be maintained. Pichotta stated there was an active reclamation plan and the bond was
associated with the reclamation of the site. The bond was to ensure that if they didn’t reclaim the site
we had the financial ability to address it. The bond was associated with NR 135 or our Chapter 241
requirements. That was actually separate from this use. The code calls for a bond for this type of use
but there is no reclamation necessary. We’re not certain there is a need for one and don’t know what
the amount of the bond would be because it’s not clear what the bond would be for. Roy stated the
mine is done and the reclamation plan showed an asphalt plant when they were done. Pichotta noted
that this is essentially an industrial use in an industrial district. **Sanden moved to approve the
renewal of the conditional use permit for a Hot Mix Asphalt Plant for Monarch Paving Co with
conditions #2 – 7, striking conditions #1 & #8. and amending #7 to include “unless compliance
issues arise.”*/Rohl seconds. Mike Byrnes, Monarch Paving, asked to extend the renewal period with
the Town’s approval. Pichotta stated that it is a different Town. **Chairperson Barkla recused himself
from voting because he was absent during the discussion. All in favor. Passed with Chairperson
Barkla not voting.**
Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial District for Monarch Paving Co, owner on property located in the NE ¼ of the SW ¼ of Section 28, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Brad Roy: The mining operation was originally permitted in 2001. This is the fourth renewal for this site. It is approximately 1.5 miles from the site of the asphalt plant. The sand and gravel extraction operations commencing in 2001 were expected to provide materials for the asphalt plant for 5 to 8 years. Applicant may wish to provide future plans for the site. Permitted hours of operation are 6:00 am to 6:00 pm Monday through Friday and 8:00 am to 6:00 pm on Saturday during the construction season. The haul route for commercial trucks is from the pit entrance on County Road K to Hwy 35 towards the asphalt plant. No traffic is recommended along county road K. The haul road was paved to reduce and address airborne dust concerns. DNR Bureau of Air Management regulates crushing and screening operations for ambient air quality. The county has received no complaints about this operation. The conditions #1 - #9 of renewal in 2007 are listed in the staff report. **Staff Recommendation:** Staff recommends the Land Management Committee renew this conditional use permit for a nonmetallic mining operation with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from other agencies.
2. Hours of operation are from 6:00am to 6:00pm Monday through Friday and 8:00am to 6:00pm on Saturday during the construction season.
3. The haul route for commercial trucks is from the pit entrance on County Road K to Hwy 35.
4. Blasting shall be conducted by a state licensed blaster.
5. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
6. A 100-ft setback shall be maintained from all property lines for all mining activities.
7. The applicant shall notify the Zoning Office if groundwater is encountered.
8. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
9. Reclamation shall be according to submitted plans.
10. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
11. This CUP shall expire in two years.

It has come to our attention this afternoon that the Corp of Engineers is looking to offload 225,000 yards of dredged material off Corps Island, a temporary placement site in Pool 3 of the Mississippi River, to this pit. Due to this new information we are recommending the addition of condition #12.

12. Prior to placement of dredge materials on this site, a plan that describes activities and safeguards shall be presented for approval to the Land Management Committee.

Mike Byrnes, Monarch Paving, stated we know about as much as you – the Corps have indicated that they are interested. We made them aware any permitting would have to start with the Township. Our reclamation plan would have to be revised. The last condition is fine. The other thing we noticed is that the reclamation approved by the County was 50 ft setbacks and the conditions state 100 ft setback. We have already been mining with the 50 ft setback. The 100 ft setback contradicts what was already set by the County. Roy stated the reclamation plan would have been approved back in 2001. The 100 ft setback is a new policy, not sure when that was originally adopted. The condition was added to keep the mine consistent with others. I’m not aware if the reclamation plan was approved by the committee. I know that with the Schoeder Quarry, there was the agreement to reduce setbacks from the 100 ft. Pichotta noted that in 2007 when this site was renewed there were no setbacks in the conditions. This is a special case in that it is located in an Industrial District. So given the existing set of conditions and the fact they have already been mining that close, perhaps it would be appropriate to specify 50 ft in this case. Sanden suggested that in a way they are “grandfathered” in. Chairperson Barkla asked where this late information came from. Roy stated Dan Bauman from the DNR sent an e-mail this afternoon regarding the dredge material. Mike Byrnes stated the reclamation plan that was filed with the County on April 4, 2003 - the Corps of Engineers was, at that time, already looking for a place to
put the dredge material and that is part of our reclamation plan. Pichotta noted that Monarch apparently is referencing a different reclamation plan than the one on record – the one in our files is dated January 25, 2001. Pichotta stated that the 2003 plan would be reviewed for compliance. Sanden moved to approve the renewal of the conditional use permit for nonmetallic mining for Monarch Paving Co with conditions #1 – 12 amending #6 to read “50 ft setback”/Fetzer seconds. All in favor. Passed.

Chairperson Barkla stated he thought there was an understanding about receiving information late. In fairness to the committee members, they should have an opportunity to look information over.

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial, General Rural and Exclusive Agriculture Districts for Wieser Concrete, owner on property located in Sections 4, 9 and 10, T25N, R16W, all in the Town of Salem, Pierce County, WI. Staff Report – Brad Roy: This request is for four nonmetallic mines on the Wieser property. The mining product is used for the production of concrete products. Pierce County issued the original CUP in 1992. Reclamation plans and fees are submitted to Pierce County for pits 1 and 2. Pits 3 and 4 have been issued DNR Chapter 30 permits which covers reclamation. The property is zoned Industrial, General Rural, and Exclusive Agriculture. Mining operations are located primarily in Exclusive Agriculture zones. There are no major changes planned for the mining operation. Mining has continued on a very limited basis. Acreage has remained similar since the previous renewal. The Quarry (#1) on the hilltop is located in Sections 9 & 10 and is the limestone source. Blasting operations are from 8:00 A.M. to 5:00 P.M. several days per year. After blasting, the limestone is crushed and transported to the bottom quarry via conveyor for washing and stockpiling. The mine behind the pre-cast plant (#2) is located in the valley and is mined for sand and gravel. Review fee calculation is $200 plus $20/acre, which totals $200 + ($20/ac x 40.3-ac) = $1,006. Staff has not received any complaints about the mining operations. The existing conditions are listed in the staff report. **Staff Recommendations:** Staff recommends the Land Management Committee consider renewal of this conditional use permit with the following conditions (Recommended conditions have been modified to comply with current policies and standard language):

1. Renewal fee in the amount of $1,006 shall be submitted to the Land Management Department.
2. All required permits shall be kept current with the DNR.
3. Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.
4. A 100-ft setback shall be maintained from all property lines for all mining activities.
5. The applicant shall notify the Zoning Office if groundwater is encountered.
6. Blasting shall be conducted by a state licensed blaster.
7. Blasting shall take place between the hours of 8am and 5pm.
8. Reclamation shall be completed consistent with the submitted plans.
9. Well tests for nitrates, suspended solids and dissolved solids shall be conducted annually for all wells within 1000 feet of any mine where blasting takes place. All results shall be provided to the Zoning Office.
10. Any unforeseen erosion issues shall be addressed to the satisfaction of the County.
11. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
12. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
13. The conditional use permit shall expire in 2 years.

Fetzer moved to approve the renewal of the conditional use permit for four mines for Wieser Concrete Products Inc with conditions #1 – 13/Rohl seconds. All in favor. Passed.

Discuss draft Pierce County Comprehensive Plan. Pichotta suggested scheduling special meetings to review the draft plan when everyone is fresh instead of at the end of these meetings, meetings could...
either be in the afternoon or evening. LMC directed Pichotta to schedule a special meeting for Mar. 12, 2009 at 2:30pm and also March 26, 2009 at 5:00pm. Pichotta stated he will check with Corporation Counsel to see if a quorum is necessary since this is a discuss item with no action to be taken.

**Departmental Update and Future Agenda Items**

Bob Lannan who has been with the County since 2001, will be retiring May 1\textsuperscript{st}, our plan is to have someone in his place two weeks before he retires to acclimate the person.
Renewal of a conditional use permit for a Wind Tower for Willard Traynor.
Rule Exception to minimum lot size in the Town of Trimbee.
Proposed revisions to Chapter 240 relating to alternative energy source permitting.

**Motion to adjourn at 9:05pm by Rohl/Sanden seconds. All in favor. Motion carried.** Respectfully submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, March 12, 2009

Present: Paul Barkla, Don Rohl, Joe Fetzer and Eric Sanden
Others: Andy Pichotta and Brad Roy
Absent: Jeff Holst
Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 2:30 pm in the Pierce County Emergency Operations Center, Ellsworth, Wisconsin.

Discussion of the Pierce County Comprehensive Plan. Andy Pichotta opened the discussion of the Comprehensive Plan by explaining the context through which the plan should be viewed. Discussion regarding relationship with towns in and out of County Zoning and with or without a comprehensive plan. Pichotta noted that the County will provide incentives/disincentives for specific actions to encourage the desired outcome. The discussion of the Plan began with the Agriculture, Natural and Cultural Resources element. The Committee discussed changes within the element.

Mr. Barkla excused himself at 3:45.

Motion to adjourn at 4:16pm by Sanden/Rohl seconds. All in favor. Motion carried. Respectfully submitted by B. Roy
MINUTES - Pierce County Land Management Committee Meeting, March 18, 2009

Present: Paul Barkla, Jeff Holst, Don Rohl, Joe Fetzer 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 pm in the Pierce County Board Room, Ellsworth, Wisconsin.


Approve Minutes: Rohl moved to approve the March 4, 2009, LMC minutes/Fetzer seconds. All in favor. Passed with Holst not voting because he was absent from the last meeting.

Chairperson Barkla stated County Board Member, Bill Gilles died Tuesday evening at United Hospital in St. Paul, visitation will be on Sunday, 3:00pm – 8:00pm at O’Connell Funeral Home in Baldwin and the funeral will be at St. John’s Catholic Church in Plum City at 1:00pm on Monday, visitation before the funeral between 11:00am and 1:00pm.

Discuss take action on a request for renewal of a conditional use permit for a wind electrical generation tower by Willard & Doris Traynor, owners on property located in the NE ¼ of the SE ¼ of Section 36, T27N, R16W, Town of Gilman, Pierce County, WI. Brad Roy reported: The Traynor’s received a CUP for a wind tower one year ago and are working with Xcel Energy to get the inter-tie agreement worked out. Xcel has had some concerns with the brand of the system; that being Jacobs. They have apparently had some issues in the past. Our code states you have to establish a conditionally permitted use within one year or the permit expires. They need a renewal to get the use established. There were six conditions originally. We’re looking to renew it with five because they already obtained the land use permit. The other issue with that is that the land use permit is about to expire. So the committee could decide to ask for a $50.00 renewal fee or waive the fee. Holst moved to approve the renewal of the conditional use permit for a wind electrical generation tower for Willard & Doris Traynor with conditions #1 – 6 including a condition requiring that a $50.00 land use permit renewal fee be paid/Rohl seconds. All in favor. Passed.

Discuss take action on a request for a rule exception to 237-26(A), minimum lot size, for a proposed land division by Kenneth & Joyce Schingledecker, owners on property located in the NE ¼ of the SE ¼ of Section 10, T26N, R18W, Town of Trimbelle, Pierce County, WI.

Chairperson Barkla invited Mr. Schingledecker forward: Mr. Schingledecker explained they want to separate their property. They bought the property in 1968 and thought they had a full acre. When they bought the property on the other side of the road in 1974 they had it surveyed and it became all one parcel. They would like to create two lots. Staff Report – Andy Pichotta: Mr. & Mrs. Schingledecker bought their property with approximately 1 acre of land (0.8 acres excluding road right-of-way), as well as an approximate 2.8 acre parcel located south of 570th, in the late 1960’s with separate deeds. In 1974, they completed a map of survey and had a warranty deed created that combined both parcels. Mr. Schingledecker would now like to retire and sell his business (Melstrom’s Towing). They are proposing to split the land into two separate parcels so he can sell the business without selling his home. Splitting the property would require the creation of a 2-Lot CSM. Because the parcel that the house is located on falls below the minimum lot size requirement (1 acre excluding right-of-way and he has .8 acres), a rule exception to the 1 acre minimum lot size requirement would be necessary for approval to be granted. This is just a minor CSM so approval would not come before this committee should you decide to grant this, it would be done administratively in our office. The property is zoned Agriculture Residential and Commercial, surrounding zones are Agriculture Residential and Primary Agriculture. Pierce County Code 237-26(A) states “Area and dimensions of lots shall conform to the requirements of the Pierce County Zoning Ordinance, where applicable. For areas where zoning is not applicable, minimum lot size shall be one acre, exclusive of land in any
right-of-way or easements.” Rule exceptions per Pierce County Subdivision Code 237-30 states:
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 judgment of the Committee, justified the rule exception.

**Staff Recommendation:** Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception. **Rohl moved to approve the rule exception to the one acre minimum lot size for Kenneth & Joyce Schingledecker due to the fact that it does not nullify the intent and purpose of the code/Fetzer seconds. All in favor. Passed.**

Discuss proposed revisions to Chapter § 240 relating to alternative energy source permitting.
**Brad Roy reports:** The current zoning ordinance requires all wind electrical generation towers receive a Conditional Use Permit and prohibits them in the 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 energy 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 may be appropriate. The proposed changes will provide a simplified process for the systems where the applicant is looking to supplement the energy uses onsite. Small 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 Large or “commercial” systems, ones that are to generate energy for offsite consumption, will require a Conditional Use Permit. The standards and application requirements are intended to ensure public health and safety. Discussing the cost of the Land Use Permits for the Small systems is something that needs to be addressed before a public hearing. There isn’t anything in our fee schedule now. The fee schedule does have an “other” category for which the fee is $100. The committee may wish to modify this. In developing the draft we sent this out to people in the area that are informed on this; Craig Tarr, Energy Concepts, Michael Michaud, Matrix Energy Solutions and Scott Freier, Freier Heating and Electric. They provided comments on the draft ordinance as it is now. One issue noted by all three was the footing and foundation removal requirement for wind energy systems. The ordinance states that once the system is decommissioned or discontinued, every thing has to be removed off site within 90 days including the footings and foundations. All three felt this was excessive for the small systems. They felt everything could be removed except the footings or that the footings could be removed to a depth of six feet and then covered up. Roy noted that while looking at the proposed language there are a few questions that need to be addressed to move forward:

- Is the approach of being permissible for Small systems appropriate for the county?
- 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?
• Should the fee schedule be amended now or does the LMC prefer the use of the “Other” fee until the Comprehensive Plan is complete.

Roy discussed the difference between small and large type Wind Energy Systems and stated with the wind systems it would be good to differentiate between small and large systems. Chairperson Barkla asked how much energy does a typical home use. Roy stated a little over 900 kilowatts per month. Sanden asked if the 120 ft tower with the 20 kilowatts would be considered a small system. Roy noted that everything the committee has approved in the past would fall under the small systems. 100 kilowatts as a small system is the top end of all ordinances like this. 100 kilowatts would be enough energy for any household and probably for a small businesses. Chairperson Barkla left the meeting at 7:30pm. Roy reviewed Access, Engineering Certification, Utility Notification, Building Mounted WES Structural Integrity, Code Compliance, Signage, Lighting, Compliance with FAA Regulations, Installer. Discussion. Pichotta discussed the potential for multiple systems on a single site and potential for disruption to neighborhoods. In theory, if you had a ten acre piece you could put up several systems. We have talked about establishing a maximum number of kilowatts able to be generated, maximum number of structures you’re able to put up. What we came up with is where there is multiple structures and small wind proposed on a single site or if it’s multiple roof mounted systems in a dense neighborhood, where there is something unique about it, to have language in the code for staff to refer it to the Land Management Committee to review consistent with Chapter 240-76, consistent with the conditional use permit section. The Solar Energy Systems (SES) was reviewed with discussion following. The small system is for people trying to keep it on site and offset their energy use. The large is for a utility company putting one in. The explanation of the two types is very similar to the wind systems. The setbacks state any portion of the SES shall not encroach within 10 feet of any property line. Sanden asked about putting in the same caveat as discussed for wind towers also for solar panels to deal with extraordinary circumstances. Sanden asked about the situation where the neighbors are restricted from obstructing the system with fences, fast growing trees, etc. Roy stated the State of Wisconsin addressed that issue with 66.04.01 and also 66.04.03. There is a Sunlight and Air access permit. If asked would have to issue those. We have just been silent on the issue. If an applicant asked for that permit, it would include going to the surrounding land owners and having them state they didn’t plan to construct anything or plant a rapid growing tree. The county is handcuffed by the state and if asked we have to issue these. Discussion. Pichotta stated that staff will make the discussed changes and we will have Corp Counsel review the language and then bring it back to the committee for review.

Departmental Update and Future Agenda Items
Conditional use permit for a farm & home based business in the Town of Martell
Discuss draft Comprehensive Plan. Pichotta reminded the LMC that there is a meeting Comp Plan meeting on March 26th at 5 p.m. in the County Board Room.

Motion to adjourn at 8:26pm by Holst/Rohl seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, March 26, 2009

Present: Jeff Holst, Joe Fetzer, and Eric Sanden
Others: Andy Pichotta and Brad Roy
Absent: Paul Barkla, Don Rohl
Acting Chair Fetzer called the Land Management Committee meeting to order at 5:08 pm in the Pierce County Emergency Operations Center, Ellsworth, Wisconsin.

Discussion of the Pierce County Comprehensive Plan. – Economic Development/Land Use/Housing/Transportation Elements.
Andy Pichotta lead the LMC though a discussion of the goals, objectives, and strategies of the economic development, land use, housing, and transportation elements of the draft comprehensive plan. The Committee discussed changes within those elements. No formal action was taken.

Motion to adjourn at 6:55 pm by Holst/Sanden seconds. All in favor. Motion carried.
Respectfully submitted by A. Pichotta
MINUTES - Pierce County Land Management Committee Meeting, April 1, 2009

Present: Jeff Holst, Don Rohl, Joe Fetzer and Eric Sanden
Others: Andy Pichotta, Jim Kleinhans, Brad Roy and Shari Hartung
Absent: Paul Barkla

Acting Chairperson Fetzer called 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 15th, May 6th & 20th, all in 2009.
Set next meeting dates of June 3rd & 17th, July 1st & 15th, all in 2009.

Approve Minutes: Rohl moved to approve the March 18, 2009, LMC minutes/Sanden seconds. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business for a cabinet shop in the Primary Agriculture District by Alan & Sandra Oscarson, owners on property located in the NE ¼ of the NE ¼ of Section 33, T27N, R17W, Town of Martell, Pierce County, WI. Acting Chairperson Fetzer invited Mr. Oscarson forward:

Mr. Oscarson explained he has a cabinet shop on his property as a hobby and would like to expand the business. Sanden asked if all the activity takes place inside the building and if there are truck deliveries. Mr. Oscarson stated everything is inside the building and he usually goes to Menards to pick up his wood supplies. UPS does deliver and he will be having a wood delivery on Friday.

Staff Report – Jim Kleinhans: Mr. Oscarson approached staff about a Farm & Home Based Business to get his cabinet shop permitted. He operates his business out of a pole shed that was permitted in 2002. The pole shed is 54 ft x 88 ft which complies with the 5,000 sq ft limit for a Farm & Home Based Business. He doesn’t have any other employees. There is adequate parking around the building. The narrative states it really isn’t a public business. He takes orders and delivers them. Hours of operation are 7:30am to 4:00pm. He did not have any advertising signs on site. The shop is equipped with a variety of wood working tools and power equipment. There is a spray booth in the north end of the building that has been reviewed by John Stoffel from the Dept of Natural Resources. The booth is filtered and vented through the east wall. Adjacent residences are over a 1,000 ft from the shop. There are quite a few trees around the building. He has put in evergreens and hardwoods. The shop floor is finished concrete. Waste wood is burned in their residential fireplace and trash is handled curbside and through recycling. In the spray area, paints, thinners and coating products are stored on shelves. Greg Engeset, who does fire inspections, was contacted about the products and he stated as long as there is less than 25 gallons, you do not need any type of containment. The Town of Martell recommended approval without additional comments. One observation in the building was a sink, refrigerator and a drain leaving the building which is not connected to the sanitary system. Staff recommended getting a plumber involved to make it code compliant.

Staff Recommendation: Staff recommends the Land Management Committee grant this conditional use permit if the use is not found to be contrary to the public interest or detrimental to the public health, safety or character of the surrounding area with the following conditions:

1. Farm and Home Business shall be conducted consistent with 240-36 (E) of the Pierce County Code.
2. A separate land use permit shall be required for any business advertising signs.
3. A licensed plumber will need to obtain a sanitary permit to complete sanitary sewer modifications for service to interior fixtures.
4. This permit may be renewed administratively in two years if no compliance issues exist.

Public hearing opened. Crystal Nelson, a neighbor stated all her questions had been answered. Public hearing closed. Holst moved to approve the conditional use permit for a Farm & Home Based Business for Alan & Sandra Oscarson with conditions #1 – 4 due to the fact it is not found to be
contrary to public interest nor detrimental to the public health, safety or character of the surrounding area/Rohl seconds. All in favor. Passed.

**Discuss draft Pierce County Comprehensive Plan. Pichotta reports:** Copies of changes that were made at the last meeting were handed out. Pichotta indicated that he had been directed to come up with a policy regarding entrepreneurial activities that are site specific and could include limited lodging. Pichotta presented the draft policy intended to address this issue. Discussion. Consensus regarding proposed language. Pichotta presented draft language under Utilities and Community Facilities, starting on page 27, Vision, Goals, Objectives and Policies were presented. Discussion. Pichotta presented Goals, Objectives, and Policies under Intergovernmental Cooperation. Discussion.

LMC set another meeting date to review the Comp Plan for Wednesday, April 8th at 5:30pm in the County Board Room.

**Departmental Update and Future Agenda Items**
Conditional use permit renewal for County Materials in the Town of Spring Lake Town of River Falls ordinance amendment on identifying alternate sites on class 1, 2 & 3. Bob Lannan is retiring May 1, 2009 there were 27 applicants which have been reviewed and narrowed down to 5 with 1 alternate. Interviews will be on Monday, April 6th, so as to get it on the agenda for Finance & Personnel, to establish compensation, that night. We would like some overlap for Bob to work with the new person.

**Motion to adjourn at 8:12pm by Sanden/Rohl seconds. All in favor. Motion carried.** Respectfully submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, April 15, 2009

Present: Paul Barkla, Jeff Holst, Don Rohl and Eric Sanden
Others: Andy Pichotta, Brad Roy and Shari Hartung
Absent: Joe Fetzer

Chairperson Barkla called 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 6th & 20th June 3rd & 17th, July 1st & 15th, all in 2009.

Approve Minutes: Rohl moved to approve the March 12, 2009 Comp Plan minutes, March 26, 2009 Comp Plan minutes and April 1, 2009 LMC minutes/Sanden seconds. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for nonmetallic mining in the General Rural District by County Materials Corp, owner of a parcel of land located in the SE ¼ of the SE ¼ of Section 9 and the NE ¼ and the NW ¼ of the SE ¼ of Section 16, all in T27N, R15W, Town of Spring Lake, Pierce County, WI. Staff Report – Brad Roy:

County Materials received a conditional use permit for nonmetallic mining in April 2007. The conditional use permit covers approximately 200 acres; County Materials intends to mine approximately 130 of those acres. They have cleared approximately 10 acres of wooded land, excavated the plant site, constructed the wash plant and ag-lime plant, installed an overhead power line and water well, conducted nine blasts and operated the wash plant for approximately six months. Staff has received complaints from surrounding landowners and Town officials. In September, 2008 a status report was presented to the LMC to allow County Materials to discuss the complaints that have been received as well as other concerns raised by the Town and public for the LMC to determine if additional conditions were necessary to address concerns. The LMC determined that no modifications were necessary at that time. County Materials has purchased an adjoining 3 acre parcel, and will be requesting a conditional use permit for expansion onto this parcel in the near future. When crushing equipment is placed onsite it is located within the quarry, below grade. The wash plant and other operational structures are located above the quarry. This makes the operation more noticeable visually and audibly. The intentions are to place the structures within the quarry as space allows, limiting the impacts to the surrounding areas. The quarry is approximately 350’ x 250’ and 25’ deep. The average floor elevation is 1100’. Expansion of the quarry will be to the south and west within the stripped area and to lower the floor to 1075’. No operational changes are planned. Seismographs have been set up for each blast; all results have been within state standards. Well tests have been conducted on six neighboring properties, prior to mining and since the mining operation commenced. Five of the six tests showed no significant difference since the mining started. An agreement was reached with the owner of the other well and County Materials.

County Materials has complied with noise monitoring conditions; results are included in the staff report. They have also raised the berm on the east of the property by six feet and will be planting pine seedlings this spring to help mitigate the noise. Staff conducted an on-site visit to monitor sound (when the rock crusher was operating) in August 2008, results were:

- From the top of the berm between operation and STH 128 – 55 decibels
- At the front door of the nearest residence – 47 decibels
- At the end of the nearest driveway – 48 decibels
- At the end of the County Materials driveway – 52 decibels
- Standing along STH 128 when a semi drove past – 87 decibels

Staff had not received any complaints since the status report. Prior to that staff had received complaints regarding the operation; complaints include:

1. Noise from the operation
2. Visual impacts from STH 128
3. Dust
4. The presence of sand in some of the nearby wells.

County Materials is anticipating reduced evening hours of operation based on the demand for product. However, they are requesting that the condition regarding hours of operation remain the same if the demand were to rise. The Town of Spring Lake was contacted for comments or concerns regarding the renewal of this conditional use permit. We will let them address the issues. The existing conditions are listed in the staff report #1 – 24. Chairperson Barkla stated the committee would hear the public comments regarding these issues at this time. Evelyn Jensen, one of the closest neighbors to the quarry, stated her complaints are the hours of operation and the constant noise. Greg Wells, lives north of the quarry, stated he had several concerns; the speed of the trucks on STH 128 when buses are on the road, hours of operation in the summer and loads not always being covered. Faye Jones, lives south of the quarry, stated her complaint is the hours of operation and would like no operation on Sat. She acknowledged that CMC has been communicative and responsive. Bill Klanderman, east of the quarry, stated promises were made two years ago that need to be fulfilled yet. He heard that three wells within a mile of the quarry have gone out. He doesn’t feel this is coincidence. Since blasting in the summer, he has put a sand filter on his well because there has been an increase in sand. He stated semi-trailers were used last fall to haul out of the quarry. Brad noted staff did receive e-mails from Eric Hatling and Joan Tyvoll and they will be a part of the record. Mike Jacobson, Spring Lake Supervisor, stated CMC needs to do what they originally laid out. He stated the number one complaint is hours of operation and whether weekends are necessary. He stated the first he heard of the wells was last night. The Town will be watching that. Joe Bacon, lives over two miles from the quarry, asked if CMC could transplant some trees with reasonable size, not seedlings. His main complaint is the noise. He suggested running more trucks in a shorter period to limit the hours of operation. Jim Small, CMC, addressed the concerns and stated the quarry isn’t what he envisioned two years ago. Part of the reason is where the driveway had to be located because of the DOT for sight distance. As they have been stripping, they have raised the berm but the north side is difficult due to the hill. Last fall after they were done, he seeded the berm. If it doesn’t take, he will reseed. They purchased 8 ft – 10 ft trees for the front north side by the driveway. He has ordered 4,000 Red and White Pine; 3 year old trees and will be planting them in a month. They have a fleet of trucks and some are semis. Some of those semis are other customers hauling ag lime. As far as the wells, we worked with the nearest neighbor as soon as they notified them. It was during blasting. We are 100 ft above the groundwater. They pulled the well and they split the cost of that well. He doesn’t feel the blasting is the cause of the two other well problems. They’re old wells, not cased and going through the Jordan Sandstone. After the meeting in the fall, we did reduce our hours of operation due to demand. They won’t be working overtime. They would like to have some Saturday hours because farmers are buying ag lime. They will be pushing as much rock through in as little time as possible. He will be reminding the drivers to slow down and to tarp all loads. Sanden stated the mine is currently at 25 ft depth and asked if the plan is to eventually go deeper and have everything down in the quarry. Jim Small stated the plan is to take it down another 25 ft to get to the 1100 ft elevation and get the crusher down in the quarry. So it is not in danger of getting shot when blasting. Sanden asked how many years it might take. Jim Small said he was estimating two years but it’s all based on the demand. Things have slowed down. They will blast in two weeks. Then the primary crushing will be down in the hole. Jim Small stated they have shortened the hours. Holst stated he understands everyone’s frustrations. He doesn’t feel CMC has achieved being a good neighbor yet and applauds the people willing to come forward with their concerns.

**Staff Recommendation:** Staff recommends the Land Management Committee renew this conditional use permit for nonmetallic mining with the following conditions:

1. Applicant shall follow all recommendations and receive all necessary permits from all relevant departments and agencies.
2. Hours of operation shall be 6am to 9pm Monday through Friday, 8am to 5pm on Saturday. Operation shall be closed on Sundays and holidays.
3. Blasting shall be completed by a State licensed blaster. Blasting shall take place no more than 4 times per week and blasting times shall be between 11am and 2pm.
4. Storm water pond design shall be completed by a State certified engineer. The pond design shall be reviewed and approved by the Pierce County Land Conservation Department.
5. Erosion control shall be installed prior to any mining. All erosion control measures shall be submitted to the Zoning Office for review and approval prior to any mining.
6. Road access shall be permitted by WI DOT and a Uniform Address Number shall be obtained from the Zoning Office.
7. Reclamation shall be completed consistent with submitted plans.
8. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
9. Zoning Office shall be notified if ground water is encountered.
10. All structures and signage shall be permitted by the Zoning Office.
11. An elevation benchmark shall be established.
12. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
13. Applicant shall comply with NR 135 Annual Reclamation Permits.
14. Property owners located within 1000 feet shall be given reasonable notice of all planned blasting. This request shall be waived for landowners who request not to be given notice.
15. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation to establish a baseline, and for all other properties as agreed upon by County Materials (Jones, etc.). This shall be completed prior to blasting. Wells shall be tested annually thereafter. All results shall be provided to the Zoning Office.
16. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
17. The recycling of concrete products shall be allowed.
18. This CUP shall be reviewed for renewal every two years.
19. County Materials Corporation shall conduct operations on the site consistent with the standards specified in the letter from CMC to Pierce County dated 3/13/07.
20. All loaded trucks shall be covered (tarped) prior to leaving the site.
21. The quarry shall have no more than 30 unreclaimed acres at any given time. The storm water pond and processing area are to be included in the unreclaimed acres.
22. Applicant shall conduct decibel readings during mining operations at; the property line, 1320 ft from the property line, and at 1½ miles from property boundary, and shall submit results to the Land Management Department. Such readings shall be taken three times annually, and at locations agreeable to Land Management Department staff and County Materials. An initial reading shall be made prior to operations to establish a baseline.
23. A four-strand barb-wire fence shall be placed around the active mining operation along with appropriate signage.
24. A lockbox with access key shall be made accessible to emergency personnel.
25. Any other conditions that the Committee determines to be appropriate.

Roy stated condition #25 was added in case anything needs to be added. On condition #2, the hours of operation were based on CMC being down within the quarry, modification may be appropriate until they get the operation down in the quarry. Jim Small brought up a situation that has occurred in the past about hours for blasting, condition #3, occasionally there was a loader that they couldn’t get started near the face. If on a rare occasion when we can’t get a blast off, if a thunderstorm rolls in, they can’t leave a loaded shot unguarded. Roy stated with another mine, they have a condition that if they can’t get the blast off in the time frame, they have to give notice to a Town Official before blasting. Gary Peterson, Chairperson, Town of Spring Lake, thanked the committee for allowing the neighbors to speak. Sanden moved to approve the renewal of the conditional use permit for nonmetallic mining for CMC with conditions #1 - #24, amending condition #2 to hours of operation from 6am – 6pm, Monday through Friday, no weekends, condition #3 add unless extenuating
circumstances occur at which time a Town Official shall be notified prior to blasting, condition #18 renewal in one year/Rohl seconds. Holst asked to discuss limited hours on Saturday for farmers to get ag lime. Rohl agreed. Chairperson Barkla suggested a status report in 6 months to hear about the issues discussed tonight. Sanden moved to amend the motion for condition #2 to 6am – 6pm Monday through Friday and 8am – noon on Saturday and add condition #25 applicant shall provide a status report to the LMC in 6 months All in favor. Passed.

8:02pm meeting to recess for 5 minutes.

8:08pm resume meeting.

Discuss take action on review and approval of proposed amendment to Section 17.065 (3)(b) of the Code of General Ordinances of the Town of River Falls; Building Restrictions on Soils Classified as Prime Farmland or Important Farmland (Ord. 2009-01). Pichotta reported: The Town of River Falls has been authorized by the County Board to exercise zoning authority within its borders. Any amendment to the Town’s Zoning Ordinance requires approval by the County Board of Supervisors to be valid. The Town previously adopted language that prohibits the erection of nonfarm buildings on class 1, 2 or 3 soils, as identified by the NRCS, in the Agricultural Residential District. This proposed amendment allows for non farm structures on class 3 soils in cases where an alternate site would result in less disturbance than that of a compliant site. The proposed amendment also formalizes a town policy allowing a structure to “touch” class 4 and be compliant with town code. Staff was involved in the development of portions of the proposed language and is comfortable with the concept and proposed language. It should be noted that an appeal regarding a determination as to the acceptability of proposed alternate building site would be directed to the Board of Appeals, consistent with 17.09 of the Town Code. The proposed ordinance is attached to the staff report. As you may recall, on July 18, 2007 the LMC discussed a proposed Ordinance (2007-02) that would have created a process through which an individual could, recognizing that the NRCS soil survey maps are not an exact representation of actual soils, identify Class 4 soils through use of a Soil Scientist and seek approval of a building site. The committee, noting that the mere presence of Class 4 soils when depicted on NRCS Soil Maps would qualify a parcel as a building site, questioned the rationale that 2 acres be required to establish a compliant site, and referred the issue back to the Town for further review. This ordinance has not been brought back before the LMC. Diana Smith stated that the proposal was from 2007; and the town has opted to do nothing with that proposal. The current proposal is how the Town Board feels this should be handled. Jerome Rodewald stated the committee has worked on this for some time and has struggled and consulted with Andy and Dr. Sanden on language. What we have is the best efforts in a readable and understandable matter. Having the public hearings at the Township level; we feel we have satisfied the people that were concerned about it. Rohl asked for an explanation of the proposed amendment. Pichotta stated that their current ordinance states that any residential structure has to be built on or touch Class 4 Soils. Basically what the proposed amendment does is allow an alternate site for building. If a site has Class 3 soils present in an area that would trigger 50% reduction in driveway length or create less disturbance to trees or eliminate the crossing of a stream, they would allow an alternate site. Alternate sites must met certain criteria – basically creating the potential for different building sites on a given property versus the one that was allowable due to the presence of Class 4. Jerome Rodewald, what we have seen happen in the past is we’ve used more land for a driveway to get to the approved site than if we would allow the site closer to the Town road. The concept was good but the devil is in the details. We’ve also added some rules on decks and garages. Holst moved to forward a recommendation to the Pierce County Board of Supervisors that the Town of River Falls Zoning Ordinance No. 2009-01 be approved as written/Rohl seconds. All in favor. Passed.
Discuss proposed revisions to chapter § 240 relating to alternative energy source permitting. Roy stated that staff took the direction received at the prior discussion and revised the ordinance. There are still several questions that need to be answered. If the committee determines this is ready for a public hearing we should address the fee tonight so staff has direction on whether we need to adopt a resolution or if we will use the “other” fee of $100.00. Roy highlighted the changes made: under Wind Energy Systems, Discontinuation and Decommissioning 11(a)(1) footings and foundations, Permits (c)(1)(b) adverse impacts on surrounding properties or if public health and safety concerns are present, shall be referred to the LMC for review and approval, under Solar Energy Systems, Standards (b)(2) Height Restrictions, this was taken out of the height restrictions for other structures in section 240. Permits (c)(1)(b) adverse impacts on surrounding properties or if public health and safety concerns are present or if a height exemption is requested, shall be referred to the LMC for review and approval. Those are the changes made since the last meeting, if there are additional concerns or questions, we can go through those now. Pichotta asked what Roy’s recommendation on fees is. Roy stated to use the “other” fee which is $100.00 for now. It is a significant decrease compared to the fee associated with a conditional use permit. But once the Comprehensive Plan is complete the fee schedule will be addressed. Mike Michaud, Maiden Rock, commented on (5) Building Mounted WES Structural Integrity, he stated that he is not sure how anyone would go about making that determination. The concern is that if all you are putting up is a small tower, which isn’t real cost efficient, would you have to hire a structural engineer or how would one comply with that. Pichotta stated our intent is to get people to think about structural integrity and not mount something on an old rickety barn – it is not to require that someone go out and hire a structural engineer. The applicant will be asked to certify that it is structurally stable, theoretically relieving us of any liability. Mike Michaud commented on meteorological towers, some may want to have them as large as 250 ft tall. Roy stated they could still have them but they would have to apply under the conditional use permit for a large tower. Mike Michaud, is there some threshold for the Zoning Administrator as far as adverse affects or is it wide open. Pichotta stated no, if the Zoning Administrator thinks there is a potential for an issue we’re relying on that individuals judgment. If the committee feels that he is referring to them situations that he shouldn’t be - I believe they will let him know. Pichotta stated that staff needs direction regarding whether a public hearing should be scheduled. Committee directed staff to schedule a public hearing.

Departmental Update and Future Agenda Items
Conditional use permit for an accessory residence in the Town of El Paso
Conditional use permit for a retreat center in the Town of Martell
Pichotta noted that Louie Filkins has been hired as the new county surveyor and will start Monday, Apr. 27, 2009. We will be having a retirement party for Bob Lannan on Apr. 29, 2009, from 1:00pm – 3:00pm in the EOC room.

Motion to adjourn at 8:30pm by Holst/Rohl seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, May 6, 2009
Present: Paul Barkla, Jeff Holst, Don Rohl, Eric Sanden and Joe Fetzer
Others: Andy Pichotta, Jim Kleinhans and Emily Lund
Chairperson Barkla called 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 20th, June 3rd & 17th, July 1st & 15th, all in 2009.
Approve Minutes: Sanden moved to approve the April 15, 2009 LMC minutes/Rohl seconds. All in favor. Passed with Fetzer not voting because of his absence from the last meeting.

Public hearing to consider a request for a conditional use permit for an accessory residence in the Primary Agriculture District on property owned by Paul & Judith Nielsen, located on lot 2 in the SW ¼ of the SE ¼ of Section 17, T26N, R16W, Town of El Paso, Pierce County, WI.
Chairperson Barkla invited Mr. Nielsen forward: Mr. Nielsen explained he purchased the property in 2006 with an older home on it. They burned the house down and built the Amish shop. They sold their house on 210th St and converted the pole building to a house. In 2007, they applied for a conditional use permit for the Amish Furniture Store. His daughter got divorced and with the economy being so bad, had to sell her home. He converted the Amish shop into a residence for her. She moved into the home in December. He received a letter from the county and applied for the conditional use permit for an accessory residence. Staff Report – Jim Kleinhans: Mr. Nielsen covered the background on the property. The property is zoned Primary Agriculture. The Wisconsin Dept of Transportation Access Coordinator approved a shared residential driveway access to Hwy 72 on March 5, 2009. Jim read a letter from the DOT Access Coordinator discussing removal of a secondary access to the property. Accessory residences are permitted by conditional use permit in the Primary Agriculture district in accordance with the County Zoning Code. The purpose of the Zoning Code is “to promote and protect public health, safety, aesthetics and other aspects of the general welfare.” The purpose statement notes that the Code is intended to; implement land management plans, encourage planned and orderly land use development, protect property values and the tax base, permit planning and efficient maintenance of highway systems, encourage uses of land in accordance with their character and adaptability and provide healthy surroundings. Accessory residences are defined as a dwelling unit in an accessory building located on a residential parcel. Jim discussed the Town Building Inspector’s recent report on the UDC status of the accessory structure. Accessory residences are to be subordinate to and customarily incidental to a principal use and thus typically required to be smaller in size than the structure housing the principal use. The building under consideration was originally permitted as an accessory building. The applicant has indicated that he intends to live on his property and rent out the accessory residence under consideration to his daughter. The following options were discussed with Mr. Nielsen to resolve this matter:

1. Obtain a conditional use permit to allow an accessory residence on his parcel.
2. Apply for a rezone to a General Rural Flexible District to allow a land division. The Town of El Paso does not have General Rural Flexible as an option on their zoning map and is not currently interested in adding this district.
3. Not use this building as a residence.

Kleinhans noted that a Town Recommendation is not an appealable decision. Decisions of the Land Management Committee are appealable to Circuit Court per Section 240-76(K). The LMC decision to approve or deny must be based upon facts specific to the case. Although the Town’s Comprehensive Plan has not yet been formally adopted, it does provide insight into, as well as credence to, their determination that the proposed use at the proposed location is not consistent with the public interest and character of the Town of El Paso. Department staff has not had the opportunity to review the Town’s Comprehensive Plan.
Staff Recommendation: Staff recommends the Land Management Committee consider the Town of El Paso’s recommendation when determining whether the proposed use at the proposed location would be contrary to the public interest, would be detrimental or injurious to public health, public safety or character of the surrounding area. If the LMC determines that the proposed use in the proposed location is appropriate, staff recommends the following conditions be considered:

1. The landowner must continue to occupy the principal residence located on this property.
2. An after-the-fact land use permit shall be obtained to change the use of the accessory building to a residence.
3. The accessory residence shall comply with the requirements of the Uniform Dwelling Code (UDC) and a building permit from the Town of El Paso shall be obtained.
4. Any deviation from the approved conditions will render this CUP null and void.
5. This CUP shall be subject to renewal every 2 years. Renewal maybe completed administratively if no compliance issues exist.
6. If a party other than a family member wishes to reside in the accessory residence, a management plan must by approved by the Land Management Committee with input from the Town of El Paso Board of Supervisors.
7. A separate uniform address number shall be obtained for the accessory residence.

Jim stated he would suggest adding another condition #8. Applicant shall comply with DOT dwelling access permits recently requested on Highway 72.

Public hearing opened. Dan Fisher, Town of El Paso Planning Commission, stated that Paul tried to split the 8.8 acres with a rezone to General Rural Flexible but the rezone fell through. He then received an Amish Furniture permit. Fisher suggested that this was a back door approach to achieving higher residential density. Ron Kannel, El Paso Chairperson, stated that the Town is opposed due to incompatibility with agricultural use and indicated that the Town would support this type of request only when done in an agricultural setting for farm help. Victoria Hines, Ellsworth, asked where do you draw the line? She noted that she was aware of a 4 acre parcel being developed for residential use.

Scott Schoepp, adjoining neighbor, suggested adding a condition stating that if the property is sold, the conditional use permit null and void and suggested limiting the duration of the permit to 2 or 3 years. Melissa Ryden, Paul’s daughter, stated she is trying to get back on her feet. She needs to be in this residence at least 1 – 2 years. Public hearing closed. Fetzer stated that he can see both sides of the issue but is concerned that others would do the same thing and not seek required permits. Sanden stated that he is concerned that this is merely a way to seek higher density and indicated that the Town position is supported by their draft comprehensive plan and that he is inclined to place weight on their recommendation. Jeff Holst stated that he understands the positions of both the applicant and the Town and noted that he finds the towns rationale for denial to be the most persuasive. Holst moved to deny this request for a conditional use permit for an accessory residence, finding that the proposed use at the proposed location is inconsistent with the public interest and character of the area, due to the fact that the use is inconsistent with the publicly supported outcomes of the Town of El Paso comprehensive planning process and that increasing the residential density on a non agricultural parcel in an agricultural district is inconsistent with the agricultural character of the Town of El Paso/Sanden seconded.

All in favor. Passed.

7:39pm meeting to recess for 5 minutes.

7:45pm resume meeting.

Public hearing to consider a request for a conditional use permit for a retreat in the Primary Agriculture District on property owned by Lorilee Anderson, located on lots 1 & 2, CSM V4, P35 in the NW ¼ of the NE ¼ of Section 2, T27N, R17W, Town of Martell, Pierce County, WI.
Chairperson Barkla invited Ms Anderson forward: Arby Linder stated that Ms Anderson and her husband previously received a conditional use permit for a plant farm. Her husband passed away so the business was dissolved. The portable greenhouses were removed. Ms Anderson would like to have a therapeutic retreat center. Staff Report – Emily Lund: The Martell Town Board recommended approval of this request on 3-10-2009. Pierce County Zoning Code § 240-88 defines retreat center as, “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.” Section 240-36(N) allows retreat centers subject to seven items listed in the staff report. Lot 2, containing the existing 80 ft by 90 ft steel building, will be utilized for retreat and gathering activities (e.g. weddings, receptions, conferences, class reunions, business meetings, anniversary parties, community fundraisers, community classes, etc.). A nearby 100 ft by 35 ft structure will contain a library, 2 bathrooms with showers, a large bride’s dressing room and a kitchen equipped only with a refrigerator, microwave and coffee maker. The existing kitchen area can not be utilized for the cooking of meals for or by participants, as it does not comply with state standards for commercial kitchens. Food and beverages will be catered into the event by those who rent the building. Future plans are to build a chapel and 8 cabins for over night retreat guests. Available amenities will include bikes, fishing poles, snowshoes, opportunities for hands-on gardening, reflection, harvesting seasonal flowers, herbal gardening education and horticulture therapy. Proposed retail activities include sales of beverages (including tea and coffee), snacks, books and gifts from the library. Vendors at a retreat function may sell goods to participants. No alcoholic beverages will be sold on site. The existing 3,000 gallon holding tank limits maximum capacity to 296 people at one time. Staff Recommendation: Staff recommends that the Land Management Committee determine whether or not approval of this request is contrary to public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a retreat center with the following conditions:

1. Applicant understands that expansion or intensification of this use will require issuance of a new conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
2. A universal address number (UAN) and sign shall be obtained for Lot 2 in case any emergencies take place at the retreat center buildings.
3. A land use permit shall be obtained for all future structures prior to construction. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Commerce, Department of Health & Family Services, etc.).
4. Guest cabins shall be rented only to retreat participants/groups.
5. Retail sales shall be limited to items specified in the application (listed above) and items associated with retreat activities or subject matter.
6. Maximum occupancy shall be limited to 296 people (maximum capacity of holding tank) or 3 times the amount of available parking spaces, whichever is less. The maximum capacity of 296 persons would require 99 available parking spaces (296/3=98.6).
7. The kitchen area shall not be utilized for cooking of meals for or by guests.
8. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on property.
9. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.

Public hearing opened. No public input. Public hearing closed. Sanden asked about sales of plants and materials. Pichotta referred to condition #5. Holst moved to approve the conditional use permit for a retreat with conditions #1 – 9 due to the fact it was not found to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Fetzer seconded. All in favor. Passed.
**Departmental Update and Future Agenda Items**

Barkla questioned Pichotta as to when Trimbelle Acres Park would be dedicated. Pichotta stated that he anticipated a dedication sometime this summer and noted that the picnic table would be placed on site soon.

Conditional use permit for a dog kennel in the Town of Gilman

Public hearing for amendments to Chapter 240-41D Zoning relating to wind & solar energy permitting procedures

Discuss Comprehensive Plan

**Motion to adjourn at 8:14pm by Holst/Sanden seconds. All in favor. Motion carried.** Respectfully submitted by E. Lund
MINUTES - Pierce County Land Management Committee Meeting, May 20, 2009

Present: Paul Barkla, Jeff Holst, Don Rohl and Eric Sanden
Others: Andy Pichotta, Brad Roy and Shari Hartung
Absent: Joe Fetzer
Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 7:00 pm in the Pierce County Board Room, Ellsworth, Wisconsin.
Next meeting dates: June 3rd & 17th, July 1st & 15th, all in 2009.
Approve Minutes: Rohl moved to approve the May 6, 2009 LMC minutes/Sanden seconds. All in favor. Passed.

Public hearing to consider a request for a conditional use permit to operate a dog kennel in the General Rural District by Hilary Boyer, agent for Kevin and Valerie Anderson, owners on property located in the NW ¼ of the SW ¼ of Section 1, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Barkla invited Ms Anderson forward: Ms Anderson explained they have been running a dog training facility since May of 2006. The permit was renewed in 2008. They would like to teach agility, manners, obedience and put up a 60’ by 80’ building for dog boarding, cat and small animal boarding, daycare and sales of dog equipment, toys and pet products. They will be open for boarding animals 365 days a year. Dogs would be kept inside from 9:00pm to 6:00am unless they were on a leash being walked. They will have dog suites for those that don’t go outside. They will abide by all the rules in the kennel ordinance. They have approval from all the neighboring land owners and haven’t had any complaints. A septic system will be installed for the bathroom and they plan on up to eight employees eventually. It will just be her daughter and herself to start out. Holst asked if this is an expansion of hours from the previous conditions. Ms Anderson stated no. Sanden asked how many dogs at one time. Ms Anderson stated there will be 19 regular kennels and 8 suites so there could be a maximum of 54 dogs. Then there will be a cat area and her daughter is a reptile specialist. Sanden asked how the waste will be taken care of. Ms Anderson stated Jim Kleinhans gave her two options and they are leaning toward a holding tank for the septic system and any scooped waste would go in a dumpster. Staff Report – Brad Roy: Ms Anderson did a very good job of explaining the request. Presently they are using 2,688 square feet of an existing building; there is a 5,000 square foot limitation for Farm and Home Based Business. Construction of a 60’ x 80’ steel building for boarding, grooming, daycare and sales show floor is proposed. The area used for grooming and sales must be less than 2312 square feet to comply with the Farm and Home Based Business requirements. The boarding facility is proposed to be located 295 feet from CTH B. This is the closest point to any property line. Our ordinance states it must be 200 ft from property lines and the center line of public roads. So they comply with that as well. There will be a bathroom available to customers. Driveway access is off of county road B. Pierce County Code § 240-54 does not address parking requirements for this type of operation. Parking was addressed on the 2006 conditional use permit. Staff isn’t recommending anything different from that. The Town of Gilman approved a footage variance and recommended approval of this conditional use permit on April 22, 2009. No specific conditions were recommended. Staff Recommendation: Staff recommends the Land Management Committee grant this conditional use permit if the use is found to be not contrary to the public interest, nor detrimental or injurious to the public health, safety or character of the surrounding area with the following conditions: Conditions #1 - #5 are the same as the existing conditional use permit.

1. Any buildings or advertising signs shall comply with the zoning code standards and obtain any necessary permits.
2. One off street parking space shall be provided per dog that is being trained each session.
3. This conditional use permit shall be renewed again in 2 years. Permit may be renewed administratively if no compliance issues exist.

4. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.

5. Classes shall be conducted during the hours of 5pm to 9pm Monday through Friday, 8am to 9pm Saturdays, noon to 9pm Sundays. Boarding, grooming, daycare and sales shall be open to customers from 6am to 9pm, seven days a week.

6. There shall be no more than 8 employees who do not reside onsite.

7. There shall be no more than 2 dogs per enclosure unit.

8. All dogs shall be housed indoors during the hours from 9pm to 6am.

**Public hearing opened. No public comment. Public hearing closed.** Sanden asked about the old condition #3 stating it could be done administratively if no complaints are received and the new condition #3 states if no compliance issues exist. Pichotta stated that was intentional so that if there is a frivolous complaint, we don’t have to bring it back in front of the committee. If it’s a valid complaint it would be a compliance issue. **Holst moved to approve the conditional use permit for Kevin and Valerie Anderson for a dog kennel with conditions #1 – 8 due to the fact it was not found to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Rohl seconded. All in favor. Passed.**

**Public hearing to consider proposed amendments to Chapter 240-41D of Pierce County Code; Zoning; relating to wind and solar energy permitting procedures. Brad Roy reports:** This is the same ordinance that has been brought before the committee twice previously. There have been no changes. One thing to note is that the committee determined that, rather than amend the fee schedule to include a new fee, the “other” category in the existing fee schedule ($100 permit fee) will be utilized until such time as a complete review of the fee schedule is completed. Corporation Counsel has reviewed the draft ordinance and has seen no issues with it. For the ordinance; we would be removing all of 240-41D as it stands now. We would be creating 240-41D as “Energy Systems” which would include both wind and solar. We’re able to add to this if anything comes up in the future. Sanden suggests on page 2 the equation on (b) Standards 1.b. after diameter multiplied by 1.5 should have a colon or a dash before the bracket. You could read it mathematically, that 1.5 is times the [(HH + RD) x 1.5]. **Staff Recommendation:** Staff recommends the Land Management Committee review the requested revisions, and if appropriate, approve the ordinance with the requested revisions and send the approved version to the Finance and Personnel Committee for review. **Public hearing opened.** James Burt, has a wind generator west of town now, wondering if any height requirements were changing. It had to be so many feet above the blades to the lot lines. Roy stated the old ordinance stated it had to be 50 ft from the total height, now it has changed to 110% of the total height. **Public hearing closed.** **Holst moved to approve the proposed amendments to Chapter 240-41D of the Pierce County Code; Zoning; relating to wind and solar energy permitting procedures and forward to the Finance and Personnel Committee/Rohl seconds. All in favor. Passed.**

**Discuss draft Pierce County Comprehensive Plan. Pichotta reported:** Pichotta stated that we have been slowly and steadily working through the draft goals, objectives and policies. We have made it through those and the last piece left to discuss is the action plan for the next five years. Basically who takes action identified as well as when the action will be completed. Action steps relating to Agricultural, Natural and Cultural Resources, Economic Development, Land Use, Housing, Transportation, Community Facilities, Planning Regulatory Techniques, Finance and Budgeting, Intergovernmental Relations, Public/Private and Information were discussed and finalized. Pichotta indicated that a complete draft document will be distributed prior to the next meeting and then if approved, a public hearing will be scheduled. Chairman Barkla commented that he thought the magnitude of actions steps and associated timeframes may be difficult to achieve given existing staff
levels and duties. He suggested that the LMC should be ready to support the department should assistance be needed or timeframes modified.

**Departmental Update and Future Agenda Items**

Conditional use permit for expansion of a nonconforming structure  
Rule exception to erosion control plan  
Approval of a 3-Lot Major CSM  
Discuss take action to classify an unclassified use (Shaving Mill)

Pichotta indicated that the Department has an issue that will be on the upcoming F & P agenda relating to overages in personnel costs. Each year staff is given an option to cash out a portion of their paid time off. This is not budgeted for and because our budgets are so tight – this results in an overage. The cumulative overage amount is around $5400.

Motion to adjourn at 7:51pm by Holst/Rohl seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, June 3, 2009

Present: Paul Barkla, Joe Fetzer, Jeff Holst, Don Rohl and Eric Sanden  
Others: Andy Pichotta, Jim Kleinhans and Shari Hartung  
Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 7:00 pm in the Pierce County Board Room, Ellsworth, Wisconsin.

Next meeting dates: June 17th, July 1st & 15th, all in 2009.  
Set next meeting dates: Staying with the 1st & 3rd Wed of each month; the dates would be Aug. 5th & 19th, Sept. 2nd & 16th, Oct. 7th & 21st, Nov. 4th & 18th, Dec. 2nd and if needed the 16th.

Approve Minutes: Rohl moved to approve the May 20, 2009 LMC minutes/Holst seconds. All in favor. Passed with Fetzer not voting because of absence at the last meeting.

Public hearing to consider a request for a conditional use permit to expand a nonconforming structure in the Agriculture Residential District for Richard W. Johnson, owner on property located in the NE ¼ of the NW ¼ of Section 34, T25N, R15W, Town of Union, Pierce County, WI. Chairperson Barkla invited Mr. Johnson forward:

Mr. Johnson explained he has an existing garage and that he would like to add onto it on the north side away from the road. The addition would be 24 ft x 32 ft deep and would be used for storing collector cars.  
Staff Report – Jim Kleinhans: Mr. Johnson contacted our office several years ago about an addition. Staff went out and tried setback averaging using his residence since there is no building on the other side, but the result was a few feet short of providing relief. So that’s why he is here. Mr. Johnson’s parcel is based upon a metes and bounds description. Kleinhans read the property description. If you look at what Rand has delineated on the map, the lot lines are clear but there is some discrepancy about the property lines. After talking with the County Surveyor, there is some more research that could be done on where the road was located at the time the description was created. Kleinhans stated that he had received a call from one of the adjacent neighbors with concerns about were the actual property line is. The proposed use of the expanded structure would be to allow for additional storage. The Town of Union supervisors recommended approval of this request. The County Surveyor hasn’t cleaned up the lot lines for Union Township yet.  
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, nor detrimental or injurious to the public health, safety or character of the surrounding area with the following conditions:

1. The applicant shall obtain a land use permit for the proposed building expansion.  
2. The building shall not be permitted until the western property boundary is confirmed to be accurate and meets the 10 foot sideyard setback or sufficient land is obtained from an adjoining land owner to meet the setback requirement.  
3. The garage addition is constructed within 12 months of committee approval.

Fetzer asked how long the garage has been there. Mr. Johnson stated that Dan Lowman had built the garage. Then Mr. Johnson’s father-in-law bought it from Al Binkowski. Ray Auth was the one that did all the measuring. Fetzer asked how it works if someone has maintained a property for a long period of time. Pichotta stated that there is the potential for an adverse possession claim if you have maintained/used property for 20+ years. Kleinhans stated he had a call from a neighbor that was concerned about the lot line. The neighbor isn’t sure where the lot line is. It needs to be measured from the road. So we are requesting more information to demonstrate that it meets the proper setbacks. Holst stated it may be beneficial to Mr. Johnson to have a survey done. Mr. Johnson stated he could show Kleinhans where the pipes are. Kleinhans stated he could meet him out there and they could measure and make sure the irons are accurate. Public hearing opened. No public comment. Public hearing closed. Sanden suggested that if the lot lines change significantly Mr. Johnson could pursue the adverse possession route. Kleinhans stated that would be one way or arrange with the adjoining
property owner to purchase a tenth of an acre to meet the setbacks. Or he could appeal the administrative decision. Pichotta noted that the reason for amending the second condition is so that he wouldn’t have to come back before this committee if it were necessary to acquire additional property.

Sanden moved to approve the conditional use permit for expansion of a nonconforming structure for Richard W. Johnson with conditions #1 – 3, with amended condition #2, due to the fact it was not found to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Fetzer seconded. All in favor. Passed.

Discuss take action to Classify an Unclassified Use (Shaving Mill) per 240-21(B). Pichotta reports: Mr. Schilling handed out a letter that sums up his request. He talked with Andy regarding the type of business he wants to operate. Andy did mention something about a sawmill but he doesn’t plan to run a sawmill. There isn’t a sawmill that has a shaving machine in the area. He spoke with Paul Dietmann, in Madison, and he also thought it would be an ag related business. Holst asked if the shavings would be wet or dry. Mr. Schilling stated they would be wet and he would have to dry them. Holst asked if he will have to build a kiln then. Mr. Schilling stated he wasn’t sure how he would dry them. There is a rotary dryer that tumbles them but it’s a substantial investment. Pichotta reported: Staff was recently contacted by Mr. Schilling who is interested in acquiring and operating a Jackson Wood Shaving Mill. The applicant is of the position that the use should be classified “agricultural”, which would make the use a permitted use in any agricultural district. The applicant has provided a letter (attached to staff report) from Paul Dietmann, Director, Bureau of Farm and Rural Services-Wisconsin Farm Center, that states “A business that processes wood into shavings to be used for livestock bedding would be considered an agricultural-related business.” Non structural agricultural uses are allowed without issuance of a Land Use Permit in any agricultural district. The establishment of an agricultural use involving a “structure” would require that an over-the-counter Land Use Permit be issued. The Zoning Code regulates sawmills (code provision shown below) but, according to the applicant, this use is not similar enough to warrant a like classification. Regulating this use consistent with rules for sawmills and planing mills would require the issuance of a conditional use permit prior to the establishment of the use. Staff, after consultation with the LMC Chair, determined that the classification of this proposed use would be referred to the LMC pursuant to Section 240-21(B)(3). Section 240-21 Uses not listed describes the process. Section 240-37(D) Sawmills and planing mills, this describes the regulations.

1. Such uses shall be located a minimum distance of 500 feet from any dwelling unit other than that of the owner or operator of the establishment.
2. No sawmill or planing mill shall produce a sound level at its property boundary that exceeds 55 decibels.
3. Areas used for stockpiling and maneuvering shall be a minimum distance of 200 feet from any dwelling unit other than that of the owner or operator of the establishment.

Section 240-88 Definitions
AGRICULTURE, GENERAL Any agricultural use, except those listed for intensive agriculture, including apiculture; animal husbandry; dairying; floriculture; forage crop production; forest crop production; grain production; grazing; horticulture; orchards; specialty crop production, such as maple syrup, mint and willow; viticulture; and truck farming.

Staff Recommendation: Staff recommends the Land Management Committee consider whether a “shaving mill” can appropriately be considered an “agricultural use” or whether it should be regulated consistent with regulations for “sawmills and planing mills”. The LMC should also determine whether a change to the zoning code to reflect their determination is necessary. Also attached for your information is the Jackson Lumber Company information from Mondovi. Sanden asked if this is noise intensive. Pichotta stated there are videos available and it is difficult to tell how noisy it is. There is machinery running. Holst asked if it is like a big planer. Mr. Schilling stated yes, big rollers and teeth that the log gets shimmed across and it gets shaved. When he showed this to the Village of Spring Valley, they watched the video and noted that employees didn’t have ear protection but he felt it was
Sanden stated he is trying to think about this from a definition standpoint. It sounds like a large planer after Mr. Schilling has described the operation. The sawmill does have a 55 decibel limit on it because noise is a factor. Pichotta stated his initial reaction was to regulate it with sawmills and planing mills. A few years ago we issued a conditional use permit to a gentleman who was making mulch with a large grinder in a gravel pit in Clifton. We regulated under those provisions. It seems to me that an agriculture use would be permittable without a permit if it wasn’t a permanent situation in any kind of an agricultural setting. It appears to have the potential to have off-site impacts if it is located in a bad spot. That lead me to believe it would be akin to a sawmill or planing mill. Mr. Schilling stated in that situation if that guy looked at all this stuff without you guys knowing it and went out to his gravel pit and did his mulch, how does that work? Even if I did my shaving mill and two months later, someone called you and said this guy is running this out here. Pichotta stated we would try to get you into compliance and if you weren’t willing to come into compliance we would seek enforcement action which could include an injunction order to make you stop. Mr. Schilling stated there isn’t a classification for this. I just want to make sure what I’m doing is classified for what I’m doing and not falling under anyone else’s classification. Kleinhans asked if he could meet the setbacks under the sawmill and planing mill provisions in the area he wants to do this. Mr. Schilling stated yes. He asked how the decibel readings worked. Pichotta stated we have a decibel meter. Mr. Schilling stated he wouldn’t want to buy all the equipment and then find out he has to put up a barrier. Pichotta suggested Mr. Schilling should find someone that has the equipment and get a reading from there. Pichotta noted that even if this is a conditional use permit it isn’t that many hoops to jump through. Holst stated his concern is that this is a site specific use and wouldn’t want to see it go anywhere. We’re running into areas where agriculture doesn’t mix with surrounding land use, be it residential or industrial. Mr. Schilling asked what the hours of operation on a sawmill are. Pichotta stated that it would be site specific. Sanden moved to regulate Shaving Mills in the same manner as sawmills and planing mills/Rohl seconds. Pichotta asked if we need to amend our code to reflect this. Holst stated that after the Shaving Mill gets running lets see if it’s similar to a sawmill or planing mill. Sanden amended his motion to include “and to not amend the zoning code to reflect this determination at this time/Rohl seconds. All in favor. Passed. Pichotta informed Mr. Schilling that he would have to garner a Town recommendation, fill out an application, we would schedule a public hearing and we would hold a public hearing and he would know the evening of the public hearing whether he would receive a conditional use permit and what the conditions were associated with it. A conditional use permit can be denied only if there are public health and safety, character, or public interest concerns.

Discuss draft Pierce County Comprehensive Plan. Pichotta reported: This document is a compilation of everything that we have talked about. I went through it again today to make sure all the changes were accurately made. A couple changes on the cover will reflect the current Board members at the time it’s adopted, it will be noted that Joe Fetzer is Vice-Chair and under Land Management the County Surveyor will be changed to Louie Filkins. Holst stated Bob Lannan should get some recognition. Pichotta, would you like to see Bob’s name with an asterisk and dates of tenure? Holst stated yes. Pichotta is asking for direction from the committee as to whether he should schedule a public hearing to consider its adoption. He noted the the public hearing notice will be a little different; it’s a Class I publication with one publishing 30 days before the meeting. The committee directed staff to go forward with scheduling the public hearing.

Departmental Update and Future Agenda Items
Public hearing for an accessory residence in the Town of Maiden Rock
Public hearing for expansion for County Materials (3 acres) in Town of Spring Lake
Request for a rule exception to an erosion control plan for George Jacques
Discuss take action for approval of a 3-Lot CSM for George Jacques
Discuss take action on site plan review for Nestle Purina

Working today for a better tomorrow
Four farmland preservation agreements: Rohl, Traynor, McCormack and Dettling
Pichotta stated we are looking at scheduling a dedication for the Trimble Park on June 25, 2009.
Pichotta also asked for direction on the publishing of agendas. The Pierce County Herald has begun
charging us for publishing the agendas again. I believe it’s been between $18.00 and $20.00 per time.
It’s not required to be published. Should we just request posting? Holst stated the amount of feedback
we’ve gotten on agendas from the public, about not being posted or published, it would be money well
spent. Sanden stated he agrees and assumes we are publishing them on the website also. Pichotta stated
that the Department will continue to have them published.

Motion to adjourn at 7:55pm by Rohl/Fetzer seconds. All in favor. Motion carried. Respectfully
submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, June 17, 2009

Present: Paul Barkla, Joe Fetzer, Jeff Holst, Don Rohl 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 pm in the Pierce County Board Room, Ellsworth, Wisconsin.
Next meeting date: There isn’t anything on the agenda for July 1st, with committees consent the meeting will be cancelled. Next meeting will be July 15, 2009.
Approve Minutes: Fetzer moved to approve the June 3, 2009 LMC minutes/Rohl seconds. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for an accessory residence in the Agriculture Residential District by John and Nancy Danneker, owners on property located in the NW ¼ of the NE ¼ of Section 19, T24N, R15W, Town of Maiden Rock, Pierce County, WI.
Chairperson Barkla invited Mr. & Mrs. Danneker forward: Mr. Danneker explained that they would like to build an 18 ft by 24 ft building to use as a guest cabin. Rohl asked if it would be occupied continually. Mr. Danneker stated it would be to accommodate guests so they have privacy. Staff Report – Jim Kleinhans: Mr. Danneker moved onto his property in 2002. He applied for a Farm & Home Based Business permit that this committee approved recently. The property is zoned Agriculture Residential. He obtained a variance from the Board of Adjustment for his driveway in 1999. At this time he is requesting an accessory residence for guests. Accessory residences are conditionally permitted in Ag Districts. The Town of Maiden Rock supervisors supported this request during their May 12, 2009 meeting without any extra considerations. One of the things that isn’t understood is whether they plan to have running water. Mr. Danneker stated that they originally they planned to have three bedrooms and 3 baths. The septic system was the first thing to go in. When they got the estimate for the second level on the house it wasn’t financially feasible so they built a one bedroom house. They have checked with Ryan Mechanical who did all their plumbing and were told they could connect to the existing system and still be in compliance. Staff Recommendation: Staff recommends the Land Management Committee determine whether or not this request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for an accessory residence with the following conditions:

1. A sanitary permit be obtained for a sanitary system connection for this accessory residence.
2. The accessory residence complies with uniform dwelling code and is inspected by the local building inspector.
3. Obtain a uniform address number for the accessory residence if this structure is ever managed as a rental unit.
4. A land use permit shall be obtained for the accessory residence and be established within 12 months of committee approval.

Public hearing opened. No public comment. Public hearing closed. Sanden asked if there is any restriction in Agriculture Residential as to who can occupy an accessory residence. Pichotta stated that there is no restriction. Sanden moved to approve the conditional use permit for an accessory residence for John and Nancy Denneker with conditions #1 – 4, due to the fact it was not found to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area/Rohl seconded. All in favor. Passed.

Public hearing to discuss the request for a conditional use permit for expansion of a nonmetallic mining quarry operation in the General Rural District by CMC-Spring Valley, owner of a 3 acre
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parcel (former Sperstad property) located in the NE ¼ of the NE ¼, Section 16, T27N, R15W, Town of Spring Lake, Pierce County, WI. Chairperson Barkla invited Jim Small forward: Mr. Small explained when they received the original conditional use permit they did not own the 3 acre parcel. They would like the same conditions as the surrounding property. Mr. Small stated the crusher is in the pit. They have only done one blast and will be doing another in three weeks. Staff Report – Brad Roy: County Materials has purchased a 3-acre parcel, the Sperstad property which adjoins their existing facility in the Town of Spring Lake. A vacant house was located on the subject property when it was purchased by County Materials. The structure has been removed from the property and an abandoned well has been capped. The property remains wooded except for a berm which extends through the property. The immediate plan for the property is to remove the vegetation from inside the berm area and to utilize the area for stockpiling. Mining will eventually take place on the property. Mining is proposed to progress consistent with the original plans but not in the near future. The reclamation plan has been updated to show the changes to this property. Slopes will be reclaimed to 3:1. The Town of Spring Lake recommended approval of this request on April 14, 2009. The Town recommendation included a statement that the town would prefer the hours of operation be reduced and that Saturday operations be eliminated. (At permit renewal on April 15, 2009, the conditions were modified relating to hours of operation and Saturday operation.) The conditions of the renewed permit are listed #1 - #25, in the staff report. Staff Recommendation: Staff recommends the Land Management Committee consider the above and if determined to be not contrary to the public interest, health, safety or character of the area, grant this conditional use permit with the following condition:

1. All mining activities on this parcel shall be conducted consistent with the conditional use permit issued for the adjacent parcels, as amended on April 15, 2009, including renewal and reporting dates.

Public hearing opened. No public comment. Public hearing closed. Sanden asked about the Town of Spring Lake preferred hours of operation. Roy stated that at the renewal in April the committee reduced the hours in response to Town concerns. Holst moved to approve the conditional use permit for expansion of a nonmetallic mining quarry operation for CMC-Spring Valley due to the fact it is not found to be contrary to the public interest, health, safety or character of the area, with condition #1 All mining activities on this parcel shall be conducted consistent with the conditional use permit issued for the adjacent parcels, as amended on April 15, 2009, including renewal and reporting dates/Fetzer seconds. All in favor. Passed.

Discuss take action on a request for a rule exception to the requirement that an erosion control plan be completed for a 3-Lot major CSM for George Jacques, owner of property located in the SE ¼ of the SE ¼, Section 35 and part of the SW ¼ of the SW ¼, Section 36, T27N, R20W, all in the Town of Clifton, Pierce County, WI. Chairperson Barkla invited Brad Bohlen forward: Mr. Bohlen, Bohlen Land Surveying, stated Land Management staff has visited the site and he believes they haven’t found any erosion problems. Staff Report – Emily Lund: George Jacques is in the process of creating 4 lots on his property. The lot number will begin at ‘2’ as there are two ‘Lot 1’ parcels nearby. Lot 2 is a pending Minor CSM approval that requires DOT approval of a quit claim deed, which will deed future right-of-way to DOT. Then staff will approve the CSM and it will be recorded. This was anticipated to be completed prior to the committee meeting. The Major CSM is proposed to create his 2nd, 3rd and 4th parcels within a five-year period. Pierce County Code (PCC) requires erosion control plans for the creation of Major CSM sites per PCC § 237-11 and per § 237-17A(3)(a) states that accompanying information shall include erosion control plans:

Rule exceptions per PCC Subdivision of Land § 237-30 states:

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 judgment of the Committee, justified the rule exception.

The property is located in Section 35 and 36, in the Town of Clifton. Surrounding land use is mostly agricultural and some residential. The zoning district on the property is light industrial. Staff visited the site on 6/11/09 and noticed the site is stable and there were three cover crops. WisDOT is requiring that a turn lane be constructed off of State Hwy 29 to serve future uses and has stipulated that the land owner upgrade the road to Town Road standards when the uses that the driveway serves generate in excess of 100 vehicle trips per day. Rather than completing future traffic studies on the driveway, the owner is opting to construct a road meeting town road standards prior to site development. WisDOT has reviewed and conditionally approved all plans. An update, DOT just approved the plans on the 16th. WisDot access approval, which is required for CSM approval, has been contingent upon their review and approval of engineered plans for future turn lanes, access road construction and stormwater plans. The actual construction of the road intended to serve the proposed lots is not necessary for CSM approval, as the road frontage requirement is met with frontage on Highway 29. Future development activity on any of the proposed lots will trigger the need for site plan review by the LMC. Potential stormwater and erosion issues generated by the development of the proposed lots would be addressed at that time. The following conditions must be present for a proposed land division to qualify for this type of rule exception (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 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.

Rohl asked if as development occurs will there be a need for an erosion control plan. Sanden stated it would be with site plan review. Sanden questioned the access and utility easement, is that the requirement of the DOT? On the survey map there is the dogleg, that’s not the same as the turn lane? Bohlen stated the turn lane is on Hwy 29, the cul de sac is a private road and part of the certified survey map, not part of the DOT approval. Sanden asked if the private road is already constructed. Holst stated it is proposed to be put in place and that’s why no roads are being built at this time. Holst moved to grant the rule exception to the requirement that an erosion control plan be completed for a 3-Lot Major CSM for George Jacques due to the fact it meets conditions #1 - #3 of the LMC policy/Rohl seconds. All in favor. Passed.

Discuss take action on a request for approval of a 3-Lot major CSM for George Jacques, owner of property located in the SE ¼ of the SE ¼, Section 35 and part of the SW ¼ of the SW ¼, Section 36, T27N, R20W, all in the Town of Clifton, Pierce County, WI. Chairperson Barkla invited Brad Bohlen forward: Mr. Bohlen explained it is basically the same as for the rule exception. There are three lots and an outlot that is the private roadway for future construction. Staff Report – Emily Lund: The property is in Section 35 and 36, in the Town of Clifton. Surrounding land use is mostly agricultural and residential. The zoning district is light industrial. The Town of Clifton minimum lot size (3 acres excluding right-of-way) has been met. Slope information has been submitted and complies with Zoning Code requirements. The WisDOT conditionally approved access for these 3 lots on June 16, 2009 with 9 conditions. The driveway permit will be issued probably tomorrow (according to Tammy at the DOT). Complete soil tests were evaluated by Mark Iverson and conventional septic systems were recommended. Property is not in the Farmland Preservation Program. Pierce County Surveyor, Bob Lannan, reviewed and approved the CSM. Survey review fees were paid. Lots 3 & 4 are proposed for seasonal boat storage and Lot 5 is proposed for a landscaper for equipment and product storage. Site plan review per Pierce County Zoning Code Ch. 240-75(E) will be

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addressed for these uses in the Industrial Zoning District. The proposed road shall have a street named in accordance with the county’s uniform numbering system and the north/south of outlot 1 shall be numbered 1250th St and the east/west of outlot 1 shall be numbered 655th Avenue.

**Staff Recommendation:** If a 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:

1. All required WI DNR and WisDOT permits shall be secured and any conditions addressed prior to any construction.
2. Future road shall be named in accordance with the county’s uniform numbering system and north/south of outlot 1 shall be numbered 1250th St and the east/west of outlot 1 shall be numbered 655th Avenue.
3. Applicant shall obtain all necessary sign permits.

Sanden moved to approve the 3-Lot Major CSM for George Jacques with conditions #1 – 3/Fetzer seconds. All in favor. Passed.

Discuss take action on a request for site plan review for Nestle Purina, owner on property located in the SW ¼ of the SW ¼, Section 35, T25N, R18W, Town of Trenton, Pierce County, WI. Chairperson Barkla invited Gary Miller forward: Mr. Miller, Principal Civil Engineer for the Corporate Offices in St. Louis, MO, stated with him tonight is Bob Hamilton, Project Manager, Jon Kelly, Engineering Manager in Hager City, Gary Waltz, also in Hager City, Rich Sharp, Civil Consultant for the Stormwater activities on the site development on the property. We are doing a capacity expansion and adding a building to double the size of our freezer where we process frozen meat and an additive for pet food. We’re putting on a receiving dock and then another room to let it temper to take it directly to process. We’re also adding a warehouse to provide for additional ingredient storage and a proposed tower that will house a spray dryer (filter mat dryer). We had a variance meeting for the setback along County Rd VV and exceeding the height requirement.

**Staff Report – Jim Kleinhans:** They have provided a great deal of information. Nestle Purina obtained two variances from the Board of Adjustment for some relief on our setbacks. The property is zoned Industrial which provides for great deals of traffic, the need for rail access and the presence of noise and other factors which could pose a nuisance in other districts. We have a residential area in Hager City just across the railroad tracks. The intensity and use of the land is intended to facilitate the total range of industrial uses generated by heavy industrial uses. Looking at aerial photos the landscape buffers are pretty well established, put in by Ralston Purina in 1970. Under Section 240-75 Site plan review. Just about everything listed in the zoning code has been detailed in the maps provided such as parking areas, landscaping, neighboring uses, loading and unloading areas, traffic generation circulation, sewer systems, drainage, lighting, signage. Access road is 805th St off of Hwy 35. This road is pretty much maintained by Nestle Purina. Everything is pretty much paved in the facility with the exception of the fire lane that runs on the back side of the property along the railroad tracks. There are some changes being made along that road where the gas vaporizer and gas meter are going to be relocated near the facility entrance and the gas main that serves this facility runs directly from Lakes Gas on the other side of the railroad tracks. The domestic wastewater disposal system was installed in 1972 along 850th St. There is an existing entrance sign on 805th St and Hwy 35 that they are proposing to make more noticeable. Jon Kelly provided a map that showed the existing location and a proposed change where they would illuminate the sign. One of the issues of the current location is the sign is located in the highway right-of-way. Section 240-63B(1) addresses nonconforming signs stating nonconforming signs in the public right-of-way shall be removed or brought into compliance. Kleinhans indicated that he checked with the Department of Commerce on this issue and that if any change occurs it has to meet right-of-way setbacks. To meet setbacks the sign has to be 120 ft from the centerline which would be back in the trees. One of the issues brought up during the Board of Adjustment meeting was the trucks traveling in the evening miss the entrance and have to turn around. This is a 45 acre site that has a great deal of impervious surface based on roads, buildings, parking...
areas. Typical soils are coarse textured and sandy so it has good drainage. The facility does receive a lot of surface water from the railroad tracks in Hager City. They have proposed a plan to handle the surface runoff water from the buildings and site. (See map C4-2). They also have a series of storm drains developed on the facility that takes water from some of the truck docks and some of the buildings. They are engineering the site to deal more with surface water. Plans are approved and submitted for your review. One area that I would like to address is any of the grading be seeded and mulched by Sept. 15 2009 to establish a good seeding rate over the winter. The proposed processing building will be 163 ft by 166 ft with a maximum height of 85 ft. The proposed freezer, tempering and receiving building addition will be 51.5 ft by 124 ft. The facility currently employs about 50 people working 3 shifts. The site plan defines 31 parking spaces including 7 truck docks for loading and unloading of product and raw materials. The zoning code calls for so many parking places for warehouse space, manufacturing, and for employees. The code recommends 66 spaces. We should come back to this at the end of the report to determine what is adequate. The exterior lighting plan shows location of lamps along the new access road. Those lamps have directional illumination pointing down with on/off switches at the base because this area is subject to intense insect hatches because of proximity to the river, to try to reduce interference of high infestations of insects during the summer. The site is completely enclosed with a chain link fence for security. The architectural plans show that building will be made with reinforced concrete panels to match the existing structures. The Dept of Commerce will have to approve the commercial building plans prior to a land use permit being issued by the County. **Staff Recommendation:** Staff recommends the Land Management Committee consider the information provided in this report for the proposed Nestle Purina Petcare facility expansion and suggest modifications where deemed appropriate. I believe that the site plan review was made fairly easy by the detail that was provided by this company but two things that need to be discussed further are the signage and the parking. Fetzer asked if the proposed parking is for 31 spaces. Mr. Miller stated we’re showing striped 31 spaces but the site has open parking. We created a drawing and we showed another area that would provide 46 spaces if you would like them striped. We prefer to have open parking. First shift has 35 people, second shift has 8 and last shift has 7 people. We stripe next to the office for visitors. Holst stated he is relatively familiar with the site and stated there is a lot of space there and feels its better not to have stripes. Fetzer asked if the parking area has to be striped to comply with the code. Kleinhans stated no, just make the employees aware of the open parking area. I ran numbers on the zoning code and came up with 66 parking spaces because of the square footage. The warehouse space is what brought the numbers up. Rohl asked if the number of employees would increase with the expansion. Mr. Kelly stated initially no, once the equipment is in place there is the possibility of additional employment. Fetzer asked for a rough guess on the number. Mr. Kelly stated it’s a small operation so maybe a 10% increase. Fetzer asked about the sign. Mr. Miller stated the issue with the truck traffic is on Hwy 63, once they complete the turn, get in their lane and speed up, they are past the plant and have to turn around. If there was a sign 500 ft from the stop light stating that the Purina entrance is within 1500 ft on the left; a DOT sign so they can slow down. Kleinhans stated it has to be off the right-of-way and we can’t permit three signs per facility. We could have one at the office and one at Hwy 35 at the entrance and then we could permit one down the road a ways. Holst asked if there have been complaints from the neighbors about trucks turning around. Mr. Miller stated at the Town meeting Mike Miller stated a trucker got stuck. The wheel did damage to the culvert and had to be pulled out causing $1200.00 damage. Mr. Kelly stated if you go in front of our facility there are black marks where the truckers are trying to get stopped. We saw this as a safety issue. We would like to get more signage and be more visible. The street sign off 805th St runs parallel to Hwy 35. It should be at a 90 degree angle. Holst asked if that is a Town or Private Road. Mr. Kelly stated it’s a Town Road. Holst asked if they maintain the road. Mr. Miller stated we do. Mr. Waltz stated they do some plowing. Chairperson Barkla stated Mr. Pichotta and he were talking about the neighbors having concerns about the smell. Mr. Miller stated this came up at the variance meeting and they weren’t aware of any odor complaints. He stated that a large piece of equipment will be replacing one that is over 30 years old; new technology, better scrubbing action, more particular collection, replacing four
stacks with one large stack. We’re modeling that so the concentration at the property lines is low. Mr. Hamilton stated if there are any complaints people need to let the local plant know. We don’t want to be an inconvenience to anyone and Cheryl Kuhn would be the person to contact. Sanden asked if there is an increase in the net impervious surfaces. Mr. Miller stated yes. Sanden asked if the infiltration basins are adequate for the increase. Kleinhans stated their engineering facility out of St. Louis designed this to accommodate surface water off site. Mr. Miller stated the infiltration basins are for the waste treatment. We’re handling the stormwater off the impervious surfaces for the State of Wisconsin requirements. Anything associated with industrial activities is captured and goes through our waste treatment. Anything taken off the blacktop with oils and grease drippings off the trucks, working with the state, we need to collect that in what is called a fore bay area, a hole in the ground with wood chips or whatever, then leave that. We have a peculiar site, nothing leaves our site at the surface. Everything drains to our property and causes some issues. Sanden is the trench system covered by the Dept of Commerce? Mr. Miller stated yes, the trench is for the railroads culvert. Holst moved to approve the site plan review for proposed processing and product delivery building expansion for Nestle Purina with the following conditions:

1. Signs shall be brought into compliance.
2. Parking shall be as presented with 46 spaces.
3. Seeding and mulching shall take place prior to September 15, 2009.

Fetzer seconds. All in favor. Passed.

Discuss take action on a request for a farmland preservation agreement for Donald L. Rohl, owner on property located in the S ½ of the NW ¼ of Section 26; and the S ½ of the NE ¼, SE ¼ of the NW ¼, N ½ and the SE ¼ of the SE ¼ of Section 27, T26N, R17W, all in the Town of Ellsworth; AND the S ½ of the SE ¼ and the N ½ of the SW ¼ of Section 2; and the N ½ of the NE ¼ of Section 10, T25N, R17W, all in the Town of Hartland, Pierce County, WI. Staff Report – Emily Lund: This request if for a 15 year Farmland Preservation Agreement including 388.048 acres. The property has been in the Farmland Preservation Program under agreement number 6235-2 and 6173-1. The property is located in Sections 26 & 27 of Ellsworth and Sections 2 & 10 of Hartland. The major farm activity is dairying and the second major farm activity is livestock and grain production. This application states 323.348 acres are used for cropland, 7 acres used for woodland, 39.8 acres used for pasture and 17.9 acres for other uses. The Land Conservation Committee “certified that the applicant’s farm operation is conducted in compliance with soil and water conservation requirements adopted by the County Land Conservation Committee” on 5-28-2009. The Land Conservation Dept stated the applicants have the required Nutrient Management Plan on file in their office. The majority of soils on the property are considered prime, with the remainder being of statewide importance and prime if drained. Staff Recommendation: Staff recommends the Land Management Committee approve this farmland preservation agreement and forward a recommendation to the Pierce County Board of Supervisors. Don Rohl recused himself from discussion and voting. Holst moved to approve the farmland preservation agreement for Donald L. Rohl/Sanden seconds. All in favor. Passed.

Discuss take action on a request for a farmland preservation agreement for Richard & Darlene Traynor, owners on property located in the NW ¼ and the E ½ of the SW ¼, Section 4, T26N, R16W, Town of El Paso, Pierce County, WI. Holst moved to approve the farmland preservation agreement for Richard & Darlene Traynor/Rohl seconds. All in favor. Passed.

Discuss take action on a request for a farmland preservation agreement for Lawrence & Sharon McCormack, owners on property located in the NE ¼ of Section 22 and the W ½ of the NW ¼, Section 23, T25N, R18W, Town of Trenton, Pierce County, WI. Holst moved to approve the farmland preservation agreement for Lawrence & Sharon McCormack/Rohl seconds. All in favor. Passed.
Discuss take action on a request for a farmland preservation agreement for Raymond & Luella Dettling Trust, owners on property located in the SE ¼ and the W ½ of NE ¼ and the E ½ of the NW ¼, Section 9 and the E ½ of the NW ¼ and the N ½ of the SW ¼ of Section 17, T24N, R15W, all in the Town of Maiden Rock, Pierce County, WI. Holst moved to approve the farmland preservation agreement for Raymond & Luella Dettling Trust/Rohl seconds. All in favor. Passed.

Departmental Update and Future Agenda Items
There will not be a meeting on July 1, 2009.
Opening of the Trimbelle Recreation Area will be on June 25, 2009.
At the July 15, 2009 meeting we will have a public hearing for the considered adoption of the Comprehensive Plan
Public hearing for an accessory residence in the Town of Salem

Motion to adjourn at 8:00pm by Holst/Rohl seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, July 15, 2009

Present: Paul Barkla, Joe Fetzer, Jeff Holst and Don Rohl
Others: Andy Pichotta, Jim Kleinhans and Shari Hartung
Absent: Eric Sanden

Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 7:00 pm in the Seyforth Building at the Fairgrounds, Ellsworth, Wisconsin.

Next meeting date: August 5th & 19th, September 2nd & 16th, all in 2009.

Approve Minutes: Fetzer moved to approve the June 17, 2009 LMC minutes/Holst seconds. All in favor. Passed.

Holst moved to amend the agenda and move the #6 item to #4/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 a roofing business in the Primary Agriculture District by Tim and Sheila Fischer, owners on property located in the NW ¼ of the SW ¼ of Section 9, T26N, R18W, Town of Trimbelle, Pierce County, WI. Chairperson Barkla invited Mr. Fischer forward:

Mr. Fischer first explained that he doesn’t understand why he has to get a conditional use permit to run his roofing company that he has been running since 1987. Chairperson Barkla asked Mr. Fischer to explain what he is requesting with this application and he can ask his questions later. Mr. Fischer explained he is asking for this special permit to continue running his roofing company. Fetzer asked if he has been running the business out of his home. Mr. Fischer stated since 1987. He bought the business in 1983 and built this shop in 1987. He has been running a painting business, roofing business and cabinet business since then. Staff Report – Jim Kleinhans: This is a request for a Farm & Home Based Business for a roofing business. The property has been developed by Mr. Fischer for residence and storage that goes back to 1987. Mr. Fischer has about 3 employees and his wife works for the business also. There are no advertising sign associated with the business at this location. Mr. Fischer has portable signs that he moves around to job sites. Typically employees do not come to this facility. Hours of operation were not provided since he works offsite. Mr. Fischer does a lot of commercial work versus residential work. The Town of Trimbelle recommended approval of this permit on September 11, 2007. Mr. Fischer had a question why he wasn’t grandfathered in. After researching the ordinance adoption of Trimbelle, Jim found the orange book was adopted in May 26, 1970, Chapter 3 of the Zoning Code was adopted on Oct. 24, 1972 and the current code was adopted by Trimbelle in Oct. 16, 1998. The original had references to businesses not as extensive as today’s code but they did include something. When on site staff looked at parking, driveway, buildings, etc; there is no connection for the bathroom in the pole shed to a septic system. There is ample parking for the employees. There is vegetative screening along County Road O. There is an issue with outside storage and a trailer that wasn’t included on the plot plan. Staff Recommendation: Staff recommends the Land Management Committee determine whether or not this request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management
Committee approve this conditional use permit for a farm and home based business with the following conditions:

1. The permit shall be renewed every two years to verify compliance with permit conditions. Renewal may be done administratively unless compliance issues exist.
2. A separate land use permit shall be required for on-premise business advertising signs.
3. Off street parking spaces are provided for employees. Strike.
4. Requirements of 240-36(E) shall be adhered to, including number of employees.
5. Hours of operation should also be established.

Mr. Fischer did mention that a designer/estimator does come to the office. Some people may come to the office occasionally so it may be a good idea to establish hours. Jim did notice that there is a store front business in River Falls. Mr. Fischer stated he doesn’t have that one but is opening one in Menomonie now. Kleinhans asked if this business is the main one. Mr. Fischer stated yes. Public hearing opened. Chris Tyler, lives across the road from the Fischer’s, stated the only concern he has is that nothing be developed to the north of what they have right now. It’s a very scenic area. He has no problem with the Fischer’s, the property is neatly maintained, no noise or traffic. Public hearing closed.

Rohl asked if Mr. Fischer plans to keep growing? Mr. Fischer stated he has been the same size for the past 15 years and can’t say that he won’t grow but doesn’t plan to add more employees. Holst stated for the public that if Mr. Fischer does decide to expand he would have to come back before the committee for a new conditional use permit. Fetzer asked about the hours. Mr. Fischer stated sometimes a crew will come to the shop in the morning but not very often. 6:00am to 6:00pm for hours of operation would work. Fetzer asked Jim if those hours would work. Mr. Fischer explained his business installs vinyl roofing which is usually installed with solvents, chemicals and glues. They use no chemicals but use an electric tool that heats the two up to melt them together. Holst moved to approve the conditional use permit for a Farm and Home Base Business for a roofing business for Tim and Sheila Fischer due to the fact it was not found to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area with conditions #1 – 4, with #4 reading, Hours of operation will be 6:00am to 6:00pm/Rohl seconded. All in favor. Passed.

Public hearing to consider the adoption of the proposed Pierce County Comprehensive Plan.

Pichotta reports: Effective January 1, 2010, all land use decisions made by a Town, Village, City or County must be consistent with its Comprehensive Plan. Pierce County has utilized a three phase process that began with Phase I initiated in 2005.

- Phase I included the compilation of all data and demographic information necessary to comply with the planning law. Data sets were developed for Pierce County as well as for the 17 towns within the County.
- Phase II included the development, distribution and compilation of a Community Attitudes Survey that was sent to all households in the unincorporated areas of the County. Results were broken down by township, as well as the County as a whole and provided to the respective towns.
- Phase III included the development of County-wide goals, objectives and policies
relating to the nine element areas which are listed in the staff report. Pierce County’s comprehensive plan is intended to serve as an “umbrella” plan under which town plans will provide further guidance for land use decisions made for that specific town. In cases where a town does not have a plan, the County plan would then provide sole guidance. In a few moments we will go through the Context document that will outline how the relationship will work. 16 of the 17 towns in Pierce County will have adopted Comprehensive Plans before or shortly after the January 1, 2010 deadline. These town plans will ensure that land use decisions made at the County level will further the desired future conditions identified by each town. Pichotta introduced a document entitled Context for discussion of Pierce County’s Comprehensive Plan: This is intended to help define Pierce County’s approach to land use and to provide guidance as to how this plan frames interaction with the units of government located within it.

Goal, Objective and Policy Language: Throughout the comprehensive plan the terms “encourage” and “discourage” are utilized frequently. The meaning will vary depending upon context.

- The County will consider goal, objective and policy statements that “discourage” a given condition or use – as not prohibiting the specific action – but as a statement that the condition or use is not the preferred outcome, except when relating to rezones (map amendments). In cases of rezones (map amendments), language discouraging the establishment of a use (or type of use) at a given location shall be interpreted as not supporting the establishment of that district at that location – if the town in which the rezone is proposed does not have a comprehensive plan. In cases where a town does have a comprehensive plan, the appropriateness of a proposed rezone shall be determined based on its consistency with that town’s plan. (Management Policies for the Entire County)

- The County will strive to create processes and a fee structure that provides incentives to produce the activities or outcomes that the County wants to “encourage” and disincentives for activities or outcomes that the County wants to “discourage.” (Management Policies for the Entire County)

To elaborate, in cases where the county plan “discourages” an activity – that activity should not be viewed as prohibited, but recognized as something that Pierce County wants to discourage county wide and for which a strategy to discourage that activity will be pursued. For example, the objective; “Discourage residential subdivision development on productive agriculture land” doesn’t mean that residential subdivision development is prohibited on productive agriculture land – but that Pierce County will pursue strategies to discourage the subdivision of productive agriculture land throughout the county through the establishment of a process and/or fee intended to make initiating that activity less attractive (i.e. fee could reflect full cost of service). Conversely, an activity that is to be “encouraged” might be subject to a simplified process with lesser fees.

Goals, Objectives and Policies Relating to Cities and Villages: Pierce County generally has no jurisdiction over land use decisions within Villages and Cities. In theory, if a Village or City does not adopt a comprehensive plan the document guiding land use decisions would be, by default, the County Plan. It is for this reason that “urban” goals, objectives and policies are identified.

- The County acknowledges that the primary responsibility for achieving plan objectives within urbanized communities remains with the municipalities. The
county further acknowledges that it shares responsibility with the municipalities for achieving the plan objectives within the one and one-half to three mile area of shared jurisdiction. That would be platted subdivisions or the extra territorial zone.

Role of Town Plans in Pierce County Zoning Decisions: It is anticipated that most towns within Pierce County will adopt a comprehensive plan either prior to the January 1, 2010 deadline or shortly thereafter. The following text describes how town plans will provide guidance to land use decisions occurring within that towns borders.

- Ensure that towns subject to county zoning understand the role of town plans and ordinances in county land use processes, including implications of statutory authority and land use case law (i.e. responsibility for decisions regarding conditional use permits, lack of town plan authority over permitted uses, etc.) (Intergovernmental Cooperation)

Zoning decisions involving Towns that HAVE NOT adopted a comprehensive plan:

- The County acknowledges that the responsibility for accomplishing planning objectives set forth in plans developed by towns subject to county zoning lies jointly with the Town and Pierce County. The County further acknowledges that it will seek to further each Town’s planning goals and objectives when considering the establishment of conditionally permitted uses. In cases where a town has not adopted a comprehensive plan, the County will continue to solicit a non-binding town recommendation regarding the proposed use. (Management Policies for the Entire County)

- The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged s discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone. (Management Policies for the Entire County)

- The County will consider goal, objective and policy statements that “discourage” a given condition or use – as not prohibiting the specific action – but as a statement that the condition or use is not the preferred outcome, except when relating to rezones (map amendments). (Management Policies for the Entire County)

The relationship between towns without a comprehensive plan and Pierce County will remain much the same as it has been in the past. The main difference being that the town will, after January 1, 2010, no longer have veto authority over rezones within their borders and a determination of the appropriateness of a proposed rezone will be based on consistency with the Pierce County Plan. The submission of a Town Recommendation regarding a proposed rezone or conditional use permit will continue to be required at the time of application. Town recommendations will be advisory and non-binding. We are only aware of one town that isn’t doing a comprehensive plan and that is Union Township.

Zoning decisions involving Towns that HAVE adopted a comprehensive plan:

- The County acknowledges that the responsibility for accomplishing planning
objectives set forth in plans developed by towns subject to county zoning lies jointly with the Town and Pierce County. The County further acknowledges that it will seek to further each Town’s planning goals and objectives when considering the establishment of conditionally permitted uses. In cases where a town has not adopted a comprehensive plan, the County will continue to solicit a non-binding town recommendation regarding the proposed use.

- The County will approve re-zonings or map amendments only when the proposed change is consistent with an adopted or amended town comprehensive plan. In cases where a town has not adopted a comprehensive plan, rezoning will be approved only when consistent with the Pierce County Plan (encouraged vs discouraged). In such cases, Pierce County will solicit a non-binding town recommendation regarding the proposed rezone.

- Pierce County will consider adherence to the goals, objectives and policies of an adopted or amended comprehensive plan to be consistent with the “public interest” for decisions relating to that governmental unit or municipality.

The relationship between towns with an adopted comprehensive plan and Pierce County will become somewhat more formal than in the past. Applications for rezones can not be approved by Pierce County unless the request is consistent with that town’s comprehensive plan. The submission of a Town recommendation regarding a proposed rezone will continue to be required at the time of application. Reference to the pertinent section of the Town’s plan supporting the proposed rezone or text amendment must be provided to demonstrate consistency with the Town’s plan.

A Town recommendation regarding a proposed conditional use permit will continue to be required at the time of application. If a proposed conditionally permitted use is not consistent with a given Town’s comprehensive plan, the code/plan provision with which it is incompatible must be specifically referenced. Pierce County will not approve conditionally permitted uses that are inconsistent with an adopted town plan. It should be noted that consistency with a town plan does not guarantee Pierce County approval of a proposed conditional use if the Land Management Committee determines that the proposed use at the proposed location will be detrimental or injurious to the public health or to public safety. In cases where a Town’s comprehensive plan does not provide guidance regarding a proposed use, the recommendation shall continue to be advisory and non-binding. It should be noted that permitted uses, uses which are allowable by right in a given district by the Pierce County Zoning Code (Chapter 240), are not impacted or restricted by a Town’s Comprehensive Plan.

Pichotta stated that this basically outlines the relationship between the county and the town’s with or without comprehensive plans. Ron Kannel, Town of El Paso Chairperson, questioned how the Town’s are going to enforce after-the-fact issues. Pichotta stated the County seeks compliance for county permits and if the property owner is working with us, generally, we are not issuing tickets. If they are not following through there are other steps taken. Mr. Kannel stated the Town of El Paso likes to work within the system and allows a lot of time for compliance but if people still aren’t complying, how do we enforce it? He suggested making the property owner change the noncompliance issue or
fine them heavily. Pichotta stated that perhaps Department staff are not aggressive enough in some cases. As the LMC has previously given staff direction as far as seeking compliance, this may be a discussion for the committee for a later date. Pichotta stated that it is not his intent to go through the comp plan page by page so if anyone has any concerns regarding the plan or anything in it, please feel free to raise the issue. Barry Barringer, Trenton Township, asked if this is a new comprehensive plan that we are discussing or one that was developed in the 1990’s. Pichotta stated this is a new comprehensive plan. Pichotta indicated that after January 2010 all land use decisions made by the county have to be consistent with its comprehensive plan. Mr. Barringer asked if the County ever followed through with the comp plan in the 1990’s. Pichotta stated yes and also noted that the old comp plan wasn’t required to be adopted by ordinance as the planning law now mandates. Judy Clement-Lee, Town of Clifton Clerk, asked about the nine issues listed that the towns have been working on. Will some of these issues be addressed on the County level and will our replies be incorporated in that? Pichotta stated there would likely be some areas that a town plan would address but that the town wouldn’t typically play an active role in implementing. For example under housing, although a town may not have an active roll pursuing housing programs, you would still want to address the element. For example you may have goals in your plan that support a range of housing options by allowing a variety of lot sizes this might also be included under land use. As far as incorporating the town plans into the county plan, I don’t believe that is a good idea. If someone comes into your town and proposes an activity that you recognize as something you want to support but your town plan doesn’t support it - your town plan could be amended or changed rather quickly. If your town plan is incorporated into the county plan there would have to be a public hearing notice that is published twice, come before the Land Management Committee and be forwarded to Finance and Personnel and then on to the County Board for two readings before the amendment is valid. The town would be done with the amendment and we, at the county level, still would not be able to act on it until the county plan was officially amended. Ms Clement-Lee asked about Ag, Natural & Cultural Resources and what the County is expecting. Pichotta stated that Diamond Bluff has Sea Wing Park or if you have Indian Burial grounds you may want to identify strategies to protect them to a greater degree than at the State level. Warren Wilson, Clifton Township, asked if the town plan needs to be adopted by ordinance. Pichotta stated yes, it’s his understanding that they all do. Fetzer stated that it is good that the towns have spent the time going through and developing plans. Fetzer noting the potential for abuse indicating that he hopes that if someone comes to a Town Board and something they are trying to do isn’t supported. He doesn’t want to see the plans being switched to accommodate a person or issue and then switched back at a later date. Chairperson Barkla asked Andy to explain the process that has taken place on developing the Comprehensive Plan. Pichotta stated this process started in 2005 and has gone through three phases. Phase III has taken about 1 ½ years to develop. A steering committee was chosen from different areas of the county. They met 12 to 15 times and there were 20 plus opportunities around the county for public input. A public hearing was held in January 2009 in front of the steering committee where they adopted the comprehensive plan by resolution. The Land Management Committee then met 8 to 10 times reviewing everything in the plan with a fine tooth comb. Phase II was the Community Attitude Survey sent to everyone in the unincorporated areas. They were
tabulated and then the information was distributed to each town. We have been as helpful as we can to each town. If the committee feels comfortable with the plan, I recommend you forward it to the Finance and Personnel Committee with the recommendation that it be adopted. **Fetzer moved to approve the Pierce County Comprehensive Plan and forward to Finance and Personnel Committee for approval/Rohl seconds. All in favor. Passed.**

**Departmental Update and Future Agenda Items**

Public hearing for tree cutting in the bluffs for Kinnickinnic River Land Trust in the Town of Clifton

*Motion to adjourn at 7:55pm by Holst/Fetzer seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung*
MINUTES - Pierce County Land Management Committee Meeting, August 5, 2009

Present: Jeff Holst, Don Rohl and Eric Sanden. Paul Barkla appears by polycom.
Others: Andy Pichotta, Jim Kleinhans and Shari Hartung
Excused: Joe Fetzer

Acting Chairperson Holst called the Pierce County Land Management Committee meeting to order at 7:00 pm in the Emergency Operation Center (EOC Room) in the Courthouse, Ellsworth, Wisconsin.

Next meeting date: August 19th, September 2nd & 16th, all in 2009.

Approve Minutes: Rohl moved to approve the July 15, 2009 LMC minutes/Sanden seconds. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for tree cutting in the Kinnickinnic River Blufflands for Kinnickinnic River Land Trust and Robert Chambers, owners on property located in the SE ¼ of the SE ¼ and the SW ¼ of the SE ¼ of Section 8, the SE ¼ of the SW ¼ of Section 9 and the E ½ of the NW ¼ of Section 16, all in T27N, R19W, Town of Clifton, Pierce County, WI. Acting Chairperson Holst invited Eric Forward, agent for Kinnickinnic River Land Trust, and Mr. Chambers forward:

Mr. Chambers stated that he owns 40 acres in Clifton with a southwest facing slope to a coulee where he would like to restore Oak Savannah, removing the buckthorn, prickly ash, red cedar and then seed with natural prairie grass and flowers. Rohl asked about the slopes being excessive. Mr. Chambers explained some are really steep but there is a hard limestone cover on those. Where it is open, ground cover is better established. Sanden asked about the time frame for getting the area stabilized. Mr. Chambers stated they plan to cut after the freeze this fall. He has applied for a grant and the money won’t be available right away. The contractor isn’t available right now either. Mr. Forward explained the Kinnickinnic River Land Trust has a 45 acre parcel they refer to as the “Jackson Preserve” which will probably be open for public use this fall. It has the river and some floodplain. The north side has Oak Savannah and they want to remove the invasive buckthorn, prickly ash then do a little seeding. When you cut out the invasive species and the soil is exposed to sun, it allows other species to finally crop up. On the south side there is somewhat shaded, heavier ground with Red Oak and White Pines. They’re looking to clear the Box Elders on the southern edge which also borders a field where there is some erosion going to the north. They hope to get prairie species planted back in there and get the soil secure. They would also like to get permission on an ongoing basis to treat invasive species before they get out of hand.

Staff Report – Jim Kleinhans: Jim passed around photos taken last week of the sites showing the dense cover of Box Elder. The third photo is of Mr. Chamber’s property where he has Oak Savannah and the area he wants to get established to the south. We’ve done this on a couple occasions for five land owners. Mr. Chambers has acreage enrolled in the Managed Forest Land (MFL) Program. Staff discussed this with Mr. Chambers and told him to contact Gary Zielske if he is going to take out any merchantable timber so he doesn’t compromise MFL program requirements. Both land owners and I discussed what is regulated and the Kinnickinnic River Bluffland language which talks about the slope setbacks. The Kinnickinnic River property runs on both sides of the river up on the bluff top. Mr. Chambers is concentrating on an adjacent watershed ravine. This ordinance regulates tree cutting so we discussed whether they are going to be cutting shrubs or trees. Pierce County ordinance is silent on the definition of a tree so I looked up the definition in Webster’s dictionary; at tree is “a woody perennial plant having single main stems that may be short but is usually considerably elongated generally few or no branches on the lower part and crowned with a head of branches or foliage” which is comparable to the definition of a shrub. Tree cutting would include any woody perennial plant; we’re not looking for a specific diameter. The Town of Clifton approved these requests on June 7, 2009 with the rationale to promote the native landscape. These projects do not typically impact the near shore areas along the Kinnickinnic River so shoreland zoning won’t be in effect. On the Kinnickinnic River property we had two active gullies coming up from the woods in a field. These fields are no longer in row crops. So
those ravines will not be aggravated but they should be an area of concern and not used to drag trees up the ravine. When the canopy is opened up they should get that restored so those gullies are not further formed in the field. **Staff Recommendation:** Staff recommends the Land Management Committee approve this conditional use permit request if the use is not found to be contrary to the public interest or detrimental or injurious to public health, public safety or the character of the surrounding area with the following conditions:

1. All trees be harvested and initial replanting will be completed within 12 months of this approval.
2. Any land disturbance created by machinery on the bluff faces will be graded, seeded and mulched within 24 hours.
3. Any merchantable timber removed from Mr. Chambers property will be reported to the WI DNR forester from affected acreage enrolled in the Managed Forest Land program agreement.
4. Chemical herbicide application of stumps will be applied topically.
5. Staff shall be notified after tree removal and planting has been completed to verify permit compliance.
6. Notification of the Pierce County Sheriff and Solid Waste Departments before any burning activity.
7. Accepted forestry best management practices shall be incorporated on any disturbance on steep sloping sites and keep slash out of drainage ravines.
8. The acreage requested for harvest be delineated with paint line or stump marking.

Staff was considering adding condition #9 to allow some future management of these areas consistent with these conditions because it may not be completed within a year. But as long as it is initiated within the 12 month period that the work would still be consistent with the program requirements.

**Public hearing opened.** Steve Cochran, neighbor to Robert Chambers, stated Mr. Chambers is a very responsible land owner and he is in support of the project. His one request would be that they try to save the largest Burr Oak tree that he has ever seen located on the bluff. It’s being grounded out by buckthorn. **Public hearing closed.** Sanden asked Mr. Chambers if he is aware of the tree Mr. Cochran is referring too. Mr. Forward stated it’s on the River Land Trust property and they are aware of it and want to get rid of the buckthorn surrounding it. **Sanden moved to approve the conditional use permit for tree cutting in the Kinni River Blufflands for Kinnickinnic River Land Trust and Robert Chambers, due to the fact it was not found to be contrary to public interest nor detrimental or injurious to public health, public safety or the character of the surrounding area with conditions #1 – 8, adding #9 Future management consistent with this conditional use permit will be allowed beyond the 12 month period./Rohl seconded. All in favor. Passed.**

**Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business for a pool and spa retail business in the General Rural District by Otto and Lynn Bender, owners on property located in the NW ¼ of the NE ¼ of Section 8, T24N, R17W, Town of Isabelle, Pierce County, WI.** Acting Chairperson Holst invited Ms Bender forward: Ms Bender explained she presently has a pool and spa business in Bay City and is looking to do retail and pool accessories. The code states she needs 5 acres and she now has the necessary acreage. Rohl asked if the Town had approved this. Ms. Bender stated yes. Sanden asked for a quick explanation of the business and whether Ms Bender has a store or showroom. Ms Bender stated she has a 20 x 40 two-story, garage type building with a showroom. Her husband does the service work for the pools and spas. Sanden asked if materials are trucked in and how often. Ms Bender explained she has a semi delivery in the spring and typically deliveries are made once a week by Speedy or UPS. She may have deliveries by semi, three to four times a year. Holst noted she lives on a state highway. **Staff Report – Jim Kleinhans:** Otto & Lynn Bender operate a pool and spa business out of their home. There was an issue with obtaining this permit because they needed more acreage but as of July 27, 2009, there was a Quit Claim Deed recorded. So they now have 5 acres of land and qualify for the Farm & Home Based
Business. They are zoned General Rural. Their hours of operation include summer hours from 10:00am to 6:00pm, Monday through Friday and 10:00am to 2:00pm on Saturday. Winter hours include 12:00pm to 5:50pm, Tuesday through Friday and 10:00am to 2:00pm Saturday. There is no advertising sign for the business at this time. One additional person is employed during summer months from May to September. Six vehicle parking spaces are available. No wastewater services are proposed in the accessory building. The Town of Isabelle recommended approval of the conditional use permit on June 15, 2009 with the recommendation that the parcel size is expanded to 5 acres. **Staff Recommendation:** Staff recommends the Land Management Committee determine whether or not this request is contrary to the public interest or injurious to public health, public safety or the character of the surrounding area. If found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a farm and home business with the following conditions:

1. The applicant shall comply with minimum lot size requirements and other provisions under Section 240-36(E) for farm and home based businesses. We can strike the first part.
2. Any proposed advertising signs shall comply with the zoning code standards.
3. This business permit shall be renewed again in 2 years. Renewal may be done administratively unless compliance issues exist.

Public hearing opened. No public comment. Public hearing closed. Sanden moved to approve the conditional use permit for a Farm and Home Based Business for a pool and spa retail business for Otto and Lynn Bender due to the fact this is not found to be contrary or detrimental to public interest nor injurious to public health, public safety or the character of the surrounding area, with conditions #1 – 3, amending #1 to read; Applicant shall comply with provisions of Section 240-36E for a farm and home based business./Rohl seconds. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business for a wood shaving/wood pellet business in the General Rural District by Dean and Kirsten Schilling, owners on property located in the NE ¼ of the SE ¼ of Section 29, T27N, R15W, all in the Town of Spring Lake, Pierce County, WI. Acting Chairperson Holst invited Mr. Schilling forward:

Mr. Schilling explained that he is requesting a conditional use permit for a shaving business to take raw logs and run them through a shaving machine, then through a dryer and bag it and or sell it in bulk. Rohl stated he understands noise could be a factor. Mr. Schilling stated he bought a decibel meter and went to Logge’s Operation and Schmitt Timber. They are going to be louder than his operation. Sanden asked how far away Mr. Schilling was when he took the readings. Mr. Schilling stated he was 55 yards away from the road. Pichotta stated that the nearest property line will be the town road. Mr. Schilling stated the building opening faces a corn field not the road and he plans to plant trees. He was thinking about insulating the building or using fabric to try to eliminate the noise right at the source. **Staff Report – Andy Pichotta:** Mr. Schilling is requesting a conditional use permit to establish a wood shaving mill/pelletizer business. Dean explained what the process would be. It’s anticipated there would be 2 to 4 employees initially with the potential for more. Applicant plans to construct a 62’ by 100’ structure to house the operation. The property is located in the NE ¼ of the SE ¼ of Section 29 in the Town of Spring Lake. It is zoned General Rural in which sawmills and planing mills are conditionally permitted subject to zoning code sections 240-37(D) and 240-76. Section 240-37(D) states:

1. Such uses shall be located a minimum distance of 500 feet from any dwelling unit other than that of the owner or operator of the establishment.
2. No sawmill or planing mill shall produce a sound level at its property boundary that exceeds 55 decibels.
3. Areas used for stockpiling and maneuvering shall be a minimum distance of 200 feet from any dwelling unit other than that of the owner or operator of the establishment.

Proposed hours of operation are: Summer hours (April 15 – October 15): 7am to 5pm. Applicant states that “some work may go on before or after those hours but the shaving machine will not be running.
Maybe someone doing maintenance, running dryer and bagger…which has limited noise. No shaving machine running on weekends or holidays.” Winter hours (October 16 – April 14): Applicant states “I would like to be able to run my shaving machine any day I desire from 7am to 5pm excluding holidays. The winter months will be the most busy and we will need to ramp up in the late fall and early spring due to road postings.” Equipment to be utilized includes: Shaving Mill, Wood Pelletizer, Dryer, Bagger and Skid Steer. The Town of Spring Lake recommended approval of the proposed use stating: Rationale: “Our hope is that he will move to an industrial park in Spring Valley or Elmwood. We consider it to be a cottage business with no more than 4 employees. If more than that they need to go to an Industrial Park.” Comments/Conditions: “Will need to put restriction on number of employees, hours should be set, no weekends or holidays, only feeder roads used for hauling logs in and product out – CC to 710th Ave to property. Shaver and sawing equipment must be kept in building for noise reasons. If approved we would like to revisit on a yearly basis or when complaints occur.” The Town of Spring Lake has identified concerns with the potential increase in the volume of traffic on 710th Ave and has requested that traffic to and from the facility utilizes County CC to 710th to the facility. A driveway permit for access onto 710th Ave has not yet been issued. The applicant did not indicate anticipated truck trips per day. One other thought I had regarding potential for damage to the town road; in the past committee has requested that an applicant photograph or video the road prior to use. We’ve done this in conjunction of a nonmetallic mining, cell phone towers and temporary asphalt plants. No advertising sign was proposed with this request however all advertising signage must comply with Article VIII in the zoning code. 240-75 (A) states that permits for new construction or additions to existing structures and buildings for commercial uses shall require site plan approval. Issuance of a driveway permit from the Town of Spring Lake will be necessary for site plan consideration to take place. **Staff Recommendation:** Staff recommends the Land Management Committee determine whether or not this request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit with the following conditions:

1. The permit shall be renewed annually (initially) to verify compliance with permit conditions. Renewal may be completed administratively unless compliance issues exist or the Town of Spring Lake requests that renewal be considered by the LMC.
2. Applicant shall secure all other necessary permits or licenses (Dept of Commerce, etc.) and provide a copy to the Land Management Department.
3. All milling activities shall be located at least 500 feet from any dwelling unit other than that of the owner/operator.
4. The operation shall not produce a sound level in excess of 55 decibels at the property lines.
5. Areas used for stockpiling and maneuvering shall be a minimum distance of 200 feet from any dwelling unit other than that of the owner/operator.
6. A separate land use permit shall be required for any on-premise business advertising signs.
7. One off street parking space shall be provided for each employee. Designated parking area are to be graded and surfaced (gravel) and clearly marked.
8. Hours of operation shall be 7am to 5pm Monday through Friday with no operations on weekends or holidays. (Or as determined by the LMC)
9. Number of non family employees shall be limited to 4.
10. Truck traffic shall utilize County CC to 710th Ave when possible, to limit impacts to town roads.
11. Local Fire Department shall be notified of operation.
12. Sanitary facilities shall be provided for employees.
13. Site plan approval shall be required prior to construction. Site plan approval shall be completed by the LMC unless delegated to LMC staff.

**Public hearing opened.** Gary Peterson, Spring Lake Town Chairperson, stated that the Town of Spring Lake supported the request but that it wasn’t a unanimous decision. A lot of people consider
Farm and Home Based Business to be out of the home or out of the garage and not a manufacturing plant on 40 acres. Just about every business could be agriculture. Spring Lake is zoned General Rural. He stated Spring Lake’s Smart Growth Plan encourages this type of business in an industrial park. It is not adopted at this time but they are three-quarters of the way done with it. The Township roads are narrow and he is concerned about the safety of the roads in the winter. Mr. Peterson described how he thought Mr. Schillings’ operation would run; the types and size of the equipment and the problems that would evolve and that felt it would be better located in an industrial park. Joe Bacon, Spring Lake Smart Growth Committee, stated they solicited a lot of input from Town members but it’s not complete yet. They were encouraged to have the location of manufacturing in an industrial park and on state highways. Spring Lake only has one 30-acre parcel of industrial zoning. They don’t want to encourage industry on Class 1, 2 or 3 farmland. Jane Whirry, lives across the road from Schillings, stated she is concerned about sawdust, fires and the water and sewer. She also questioned the fact that he already has employees for his other business, would he be allowed 2 – 4 for this business besides. She asked if his pile of sawdust would be near her house. Mr. Schilling stated he will be 500 feet from Mrs. Whirry. Pichotta stated that the employees of each of his businesses are considered to be separate. He has one conditional use permit for the asphalt business that allows 8 (nonfamily) employees. Roxanne Peterson, a neighbor, is concerned about the speed of the traffic and the safety on the roads. She feels this type of business should be in an industrial park. Gary Peterson stated for the distance it seems a sawmill would make a lot less noise than this. Mr. Schilling stated the wood shaving creates less noise than a sawmill. Acting Chairperson Holst stated no matter what it comes from, 55 decibels is all it can be. Public hearing closed. Barkla asked about the town’s recommendation of 4 employees and asked what the maximum for a Farm and Home Based Business is. Pichotta stated 8 employees. Acting Chairperson Holst asked about the road safety. Mr. Schilling stated they have already proven their record of safety with his asphalt business. He is glad when the neighbors have called to say that one of the drivers was driving too fast. He has had to talk to the other drivers that are coming in about speed also. He doesn’t want to damage their road anymore than anyone else. He questioned how he would document the road when it’s used by milk haulers and tractors too. Pichotta stated that is the difficult part. If someone is able to attribute damage directly to you there could be an agreement in place that you would be willing to correct it. Don Nellessen commented on the road because he farms on that road. He doesn’t know how they could blame one particular vehicle over another. Roxanne Peterson stated that Mr. Schilling’s crew is very responsible. She is concerned with trucks coming in on Cty CC over the crest of the hill, driving in the middle of the road and having an accident. Acting Chairperson Holst stated that is the route the town recommended. Rohl stated the Town recommended approval with the hopes that you would move to an industrial park. Mr. Schilling stated that to be in the industrial park he would need state approved plans. It would be a lot of hurdles to jump through. It may make sense to locate there but it’s a lot more expensive to be there. Pichotta stated given the cubic footage of the building, Dept of Commerce approval would likely be needed anyway. Mr. Schilling stated his builder told him since it’s an ag use he doesn’t need it. Sanden asked Andy if he could give him a comparison for 55 decibels. Pichotta stated that it was his recollection that a semi going by County Materials site was determined to be 80 or 85 decibels. He suggested that he was probably talking at about 55 decibels. Kleinhans stated he did a decibel reading on a wood chipping business in Clifton Township and at 100ft the reading was 74 decibels, to the property line it was 50-54 decibels. The meter was also picking up the frontend loader. At that site the machine is outside, Dean’s will be in a building. Acting Chairperson Holst asked Mr. Schilling what the horsepower on the shaver will be. Mr. Schilling stated he will have electric two 75 horse engines, one on each end. The noise is from the mill. When he was in front of the Town, he talked about having one 127 horse diesel that he could move onsite. It would cost $100,000 to have a three-phase. Propane is the cleanest burning fuel for drying. He would never have enough electricity to operate a rotary-drum dryer and they are too expensive. Acting Chairperson Holst asked how pertinent is the comprehensive plan that is in progress? Pichotta stated that any decision made by a municipality after January 2010 has to be consistent with their plan. He noted that we haven’t see any draft language yet. Acting Chairperson
Holst asked about the LMC’s recent denial of a conditional use permit request in the Town of El Paso – how was that situation different? Pichotta, stated that the town quoted draft language that had been subject to public review and also that they raised concerns about the detracting from the agricultural character of the area. Pichotta also noted that the Town of El Paso had recommended denial of the permit and provided a rationale, where as the Town of Spring Lake had actually recommended approval. Sanden asked about the asphalt business already being there, is that something that would be taken into consideration in the Smart Growth Plan, being this isn’t a pristine piece of land- where they are adding to not changing. Pichotta stated he hasn’t read their draft plan so he doesn’t know what it says. Joe Bacon asked if staff would like a copy of their plan. Pichotta stated that he would and asked about process, typically when a conditional use permit request comes to a Town, they send it to the Planning Commission where the Planning Commission discusses it and formulates a recommendation and then they send it on to the Town Board. In this way the Town Board’s work is partly done and then the board either endorses it or modifies it. Did this go to the Planning Commission? Joe Bacon stated no, but they were at the Town Board meeting and they did have some input. Pichotta stated that the Farm and Home Based Business covers a variety of things; pool & spa business that covers retail is not a cottage business, then there is Vino in the Valley. There is some precedence for things that aren’t really out of your home. The comp plan supports entrepreneurial activities as modified or regulated by town plans. The more guidance you can put into your Comp Plan, the more useful it will be. What our plan says is that we will consider adherence to a town’s comprehensive plan to be akin to the public interest for that town. If a request is not consistent with the town’s comp plan then it’s not consistent with the public interest of that town and it could not be approved. Sanden questioned the limitation to nonfamily employees, he is torn between the township recommendation and the County’s limitation of 8 employees. Pichotta stated you could give latitude to the town’s recommendation, 8 is allowable. It comes down to public health, safety and public interest. If you think four would have less impact, be less intense then the lesser number would make sense. Not sure the number is going to make much difference in the impact of the operation or the business. Sanden stated he brought it up because that was the number for the industrial park and we should look at the upper limit. Barkla agreed. Acting Chairperson Holst asked how many employees would be from the asphalt business. Mr. Schilling stated with the economy it will depend on the production rate for the number of employees. Rohl asked with the economy if Dean is cutting down on his asphalt employees, then the shaving business would be good. Sanden stated forestry is an ag related business. This is a stretch but it may be considered an ag business. Pichotta stated that Dean argued to the LMC that this should be an ag business but the committee determined that the use was similar to sawmills or planing mills and would be regulated as such. Arguably, you could say making furniture is an ag business because it uses wood. Sanden stated he would like to respect the township as much as possible but on the other hand the Town recommended approval approval. Barkla stated he is going to make this two motions, he moved to determine that the proposed use is not detrimental nor injurious to the public health, safety or the character of the surrounding area/Rohl seconds. All in favor. Passed. Barkla moved to approve the conditional use permit for a wood shaving/wood pellet business for Dean and Kirsten Schilling in the General Rural District with conditions #1 – 13 changing the number of employees to 8 on condition #9. Sanden amended the motion to add condition #14: Conditions of Cty CC and 710th Ave will be recorded prior to initiation of operation. Any substantiated deterioration of either road beyond normal wear due to this operation will be repaired at the applicant’s expense/Barkla agreed to the #14 condition/Rohl seconds. All in favor. Passed. Pichotta questioned whether site plan review will be done by the committee or Land Management staff. Acting Chairperson Holst stated to bring it back to committee.

Discuss take action on proposed resolution supporting the Veteran’s Memorial Trail. Don Nellessen, with Wisconsin Veterans Memorial Trail, stated he is asking for approval of the resolution supporting the trail so they can apply for different grants. Mr. Nellessen made it clear they are not taking over a snowmobile trail. It’s a non-motorized trail that will connect with Wildwood Trail in St.
Croix County. **Pichotta reports:** Mr. Nellessen explained it well and asked Don if he would also like it forwarded to the County Board. Mr. Nellessen stated yes. Pichotta noted that the Pierce County Bicycle Plan was amended in 2007 to include the following statement: “The Village of Spring Valley and the Village of Elmwood are proposing a non-motorized trail that will connect the two villages following the Eau Galle River. The trail has the potential to expand to connect with the St. Croix County Wildwood Trail and the Red Cedar Trail in Dunn County. These efforts should be supported.”

**Staff Recommendation:** Staff recommends the Land Management Committee support the proposed resolution as the project in question appears to be supported by both the County’s draft Comprehensive Plan, Bike Plan and Outdoor Recreation Plan. If determined to be appropriate, a resolution for County Board consideration will be drafted and forwarded to the Finance and Personnel Committee for their review and then sent to the County Board of Supervisors for their consideration. **Barkla moved to approve the Veteran’s Memorial Trail resolution and for staff to draft a resolution for County Board consideration and to forward to Finance and Personnel for review/Sanden seconds. All in favor. Passed.**

**Departmental Update and Future Agenda Items**
- Rezone request from Primary Agriculture to General Rural Flexible in the Town of Martell
- Conditional use permit request for a rodeo in the Town of Oak Grove
- Update on the Comp Plan; it had its first hearing last month and the ordinance will be considered for adoption later this month.

Motion to adjourn at 8:32pm by Holst/Rohl seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, August 19, 2009

Present: Paul Barkla, Jeff Holst, Don Rohl, Joe Fetzer and Eric Sanden.
Others: Andy Pichotta, Jim Kleinhaus, Brad Roy and Shari Hartung

Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 7:00 pm in the Emergency Operations Center (EOC Room) in the Courthouse, Ellsworth, Wisconsin.

Next meeting date: September 2nd & 16th, October 7th & 21st, all in 2009.

Approve Minutes: Rohl moved to approve the August 5, 2009 LMC minutes/Sanden seconded. All in favor. Passed. Fetzer recused himself from voting as he was absent at the last meeting.

Surveyor Appreciation Presentation: Chairperson Barkla invited Leon Herrick, Dunn County Surveyor, forward:

Mr. Herrick along with Surveyor Tom Carlson presented a copy of Resolution No. 41 of the Dunn County Planning, Resources and Development Committee and the Dunn County Board which recognized Robert Lannan for his leadership, professional expertise and cooperation in locating and perpetuating the original section corners on the Dunn County/Pierce County line. Mr. Herrick presented Bob with a plaque and expressed his appreciation and gratitude for the cooperative efforts of surveying a 12 mile common line. The project time and cost was cut in half for both counties. The field traverse data and computations lead them to agree upon final section corners for monumentation. Everyone can feel confident that surveyors are using accurate information.

Public hearing to consider a request for a rezone from Primary Agriculture to General Rural Flexible by Eric Todnem, owner on property located in the NW ¼ of the NW ¼ of Section 11, T27N, R17W, Town of Martell, Pierce County, WI. Chairperson Barkla invited Mr. Todnem forward:

Mr. Todnem stated he would like to sell 10 acres to a friend who wants to put in an orchard and vegetable garden. There is a cabin, barn and lean-to on the property and approximately 7 acres of pasture. The pasture will be turned into the orchard. Staff Report – Andy Pichotta: This is a rezone request from Primary Agriculture to General Rural Flexible. The property is located in Section 11 and is approximately 16.3 acres in size. We have in the staff report the purpose and intent of zoning districts: Primary Agriculture, General Rural, and General Rural Flexible which states the district is established to achieve the same objectives as the General Rural District but to allow a greater density of residential development with the approval of the town board. The Town Board is able to increase density if it meets the five criteria;

1. Does not conflict with town goals for farmland preservation;
2. Will not adversely affect natural resources such as steep slopes, wetlands, high quality woodlands and wildlife;
3. The proposed density is capable of present and future uses of the remainder of the site;
4. The proposed density is compatible with present and future uses of neighboring lands; and,
5. The site has suitable roads and services to support the proposed development.

The Martell Town Board recommended approval of this rezone request at their 7-23-09 meeting. They have also indicated a willingness to increase the density of this parcel from 4 dwellings per 40 acres to 5 dwellings per 40 acres; which would enable the creation of another building site. Once the rezone is complete the applicant will still have to go to the Town to get formal approval to increase the density. The Pierce County Land Management Plan states “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.” The applicant indicated what the land uses will be. Applicant should be aware that in order to create a parcel smaller
than 15 acres, a certified survey map will need to be created. Adjacent land uses include woodlands, agriculture and residential parcels. The adjacent zoning district is Primary Agriculture. The land is not in Farmland Preservation. There are density calculations for the property discussed in the staff report. There is a small pond, less than 5 acres, that is grown in on the property. Soil types are listed in the staff report. **Staff Recommendation:** Staff recommends that, due to 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. **Public hearing opened. No public comment. Public hearing closed.** Holst asked Andy if General Rural Flexible is an option in the Town of Martell. Pichotta stated yes, they previously rezoned an area in the southeast part of the town which allowed a church to sell the associated parsonage. **Holst moved to approve the rezone request from Primary Agriculture to General Rural Flexible for Eric Todnem and forward a recommendation to the County Board of Supervisors/Fetzer seconded. All in favor. Passed.**

Public hearing to consider a request for a conditional use permit for a Private Outdoor Recreational Use for a rodeo in the General Rural Flexible 8 District by Mark Anderson, owner on property located in the SE ¼ of the NE ¼ of Section 9, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Barkla invited Mr. Anderson forward: Mr. Anderson explained he has a farm six miles out of Ellsworth on Hwy 10. He would like to have rodeos on his farm various times throughout the year. He is working with the Town Board. Once this is passed he has to go back to the Town Board to get events approved. Holst asked if the access off of 1090th St is a noted access by the Town. Mr. Anderson stated yes, it’s a field driveway that has been in place since he purchased the farm. Sanden asked what size of attendance Mr. Anderson is anticipating. Mr. Anderson stated they are hoping for 500 to 1000 people and would like to have the rodeo four times a year which is all the Town will allow. They want to try it this fall yet to see how well it will be attended. Sanden asked if there are any special provisions for containment of waste from the animals. Mr. Anderson stated he currently boards 50 horses on the property. He used to run 135 cows so clean up is easier now. Rohl asked about cleaning up after the spectators. Mr. Anderson stated they will be doing all that. They live in a valley so it’s contained very well. **Staff Report – Jim Kleinhans:** Mr. Anderson has been talking to us for sometime about having a rodeo. He’s been to the town and would like to have one yet this fall. The property is zoned General Rural Flexible 8 where Private Outdoor Recreational Uses are conditionally permitted. There are several homes near the property and one is Joe Reis who lives just south of Hwy 10. The rodeo arena is located north of the existing residence and is a fenced area. A rental tent is proposed for a shelter and satellite toilets would be utilized for sanitary facilities. Once attendance levels are established the existing buildings may be upgraded or a new commercial structure erected. Mr. Anderson has indicated that his family will be mainly responsible for working at the events, although some additional individuals may also be hired to help. Access off of 1090th St is about 900 ft from Hwy 10. From the enclosed picture that you see that it appears there is plenty of room for parking. Mr. Anderson is proposing that a nonprofit organization operate a beer stand for events. Any food vendors would need to be licensed by Dept of Health with a temporary permit. There are no lights planned so the events will be held only during daylight hours. Proposed hours of operation are beginning at 1-2 pm during summer and ending at dark, with fall hours beginning earlier due to shorter daylight. A public address system will be utilized and directed to the north. The nearest residence on 620th Ave is approximately 3,000 feet away. The Town of Oak Grove recommended provisional approval of this request subject to Mr. Anderson following the Town’s Ordinance 2009-05, a copy of which is attached to the staff report. Bulls will be leased for each event. Jim asked Mr. Anderson if the bulls will be screened for tuberculosis. Mr. Anderson stated yes and some are local animals. The rest are all screened with health certificates. Kleinhans; equipment to be used in the arena include a tractor and drag to smooth the arena and a water wagon for dust control. On-premise and off-premise advertising signs will have to comply with Pierce County zoning code standards. The Town of Oak Grove ordinance is more restrictive than the County code. They have requested that Mr. Anderson

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comply with their recent ordinance. **Staff Recommendation:** Staff recommends the Land Management Committee should determine whether the request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area. If determined to be not contrary to the above, staff recommends the Land Management Committee approve this request with the following conditions:

1. Notify the Land Management Department when the use is formally established.
2. A one-year permit renewal to verify compliance with permit conditions.
3. A land use permit shall be issued for any buildings located or constructed on the site.
4. Any on-premise signs located along the public roads shall be permitted by Pierce County.
5. Adequate portable satellite waste stations shall be provided.
6. Solid waste dumpsters or waste containers be located on site and maintained.
7. Hours of operation shall be from 12:00pm until dark or as established by the LMC.
8. Proof of adequate liability insurance be submitted.
9. Property and containment fences around the facility be maintained.

**Public hearing opened.** Jerry Kosin, Oak Grove Chairperson, asked Mr. Anderson who owns the local animals that will be used and if they have ever been out of the state. Mr. Anderson stated no, they belong to Cynthia and Kevin Tyvoll. **Public hearing closed.** Sanden asked Jim if he was confident there is adequate parking and about the noise level to the north. Kleinhans stated yes, he owns 160 acres. He will be using a megaphone type system directed toward the north. The property is located down in a bowl. Mr. Anderson stated that noise is his biggest concern. Jim had talked to Sharon Phillips who will be the most affected by the noise and she stated she didn’t have any concerns. Chairperson Barkla asked if we needed the hours of operation in the fall spelled out. Summer hours are 1-2pm until dusk. Kleinhans stated the Town ordinance states something about not opening the gates more than an hour prior to an event. Jerry Kosin stated the Town ordinance states live or recorded music if played is limited to the hours between 10:00am and 6:00pm. Mr. Anderson stated at the meeting the Town Board said it could be until dusk. Holst asked which it is. Mr. Anderson stated it’s at the discretion of the Town Board. **Chairperson Barkla would like to make two determinations for this request.** Rohl moved to determine that the proposed use is not found to be contrary to public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area/Fetzer seconded. All in favor. Passed. Holst moved to approve the conditional use permit for a Private Outdoor Recreational Use for a rodeo for Mark Anderson with conditions #1 - #9/Rohl seconded. All in favor. Passed. Mr. Anderson submitted a copy of his insurance for the file.

Discuss take action on a request for site plan review and approval for a wood shaving/wood pellet business in the General Rural District by Dean and Kirstin Schilling, owners on property located in the NE ¼ of the SE ¼ of Section 29, T27N, R15W, all in the Town of Spring Lake, Pierce County, WI. Applicants are not present.

**Chairperson Barkla asked Pichotta if notice of the meeting was sent to Mr. Schilling regarding tonight’s hearing and also what kind of notice has to be published for this request at a future meeting.** Pichotta stated that yes Mr. Shilling had been notified, he was sent a notice and staff report, and that the request is a discuss/take action item versus a public hearing. **Holst moved to defer action on the wood shaving/wood pellet business site plan review until the next meeting/Rohl seconded.** All in favor. Passed.

**Departmental Update and Future Agenda Items**

Site plan review for Dean Schilling
2010 proposed budget
Job description of the Land Use Coordinator

Motion to adjourn at 7:40pm by Holst/Rohl seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, September 2, 2009


Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 7:00 pm in the Emergency Operation Center (EOC Room) in the Courthouse, Ellsworth, Wisconsin. Next meeting date: September 16th, October 7th & 21st, all in 2009.

Approve Minutes: Rohl moved to approve the August 19, 2009 LMC minutes/Fetzer seconded. All in favor. Passed.

Discuss take action on proposed 2010 Land Management Department budget. Pichotta reports:

Pichotta explained the first page of the report is a summary of the four different divisions that comprise the overall budget. Under the County Planner budget there will be a 7% decrease due to the Comprehensive Plan being almost complete so the budgeted amount under Other Professional Services has decreased significantly. Under the Zoning division the 6.3% increase is due to personnel/health insurance costs. We bumped up gas and diesel last year. Chairperson Barkla asked if they purchase the gas out at the highway dept. Pichotta indicated yes. Pichotta stated on the County Surveyor budget the 9.8% increase is largely due to the fact the retired surveyor had single coverage for health insurance and our new surveyor has family coverage. He also noted that the surveying equipment is starting to become outdated but should be adequate for another 3 – 5 years. The equipment is very expensive and we will look into the potential for leasing rather than purchasing new equipment. Pichotta noted that for the past few years we have been hitting the Land Records Modernization Fund hard and we will be trying to shift the maintenance and licensing costs away from that fund to ensure its sustainability. We would like to use it primarily for GIS data development. The Park Development fund line item reflects costs associated with the Trimbelle project that were completed earlier this year. We had budgeted $5,000.00 for 2009. No additional funds are being requested at this time. Pichotta noted that we will be looking into a potential land purchase in the near future. Holst asked what the balance is in the Parks fund. Pichotta stated that he believed it was around $650,000.00. Under the Land Records Modernization fund, we will continue to budget 500 hours for a temporary position to continue scanning and indexing our property files. One more year should complete the process. Phyllis has raised some concerns that there are new parcels not in the system so we have budgeted $1500.00 to address this. Trenton will be the next Township that will be COGO’ed. Under revenues, the number of permits being issued is down making that a change of -36.5%. I was probably overly optimistic on the anticipated GIS Revenue, we should probably reduce it to $2600. For capital improvement plans; we have three vehicles, a 1998 Jeep Cherokee, a 2001 Chevy 1500 and a 2002 Ford F-150 that will continue to suffice for the next few years. As long as those vehicles are working we’ll just keep pushing replacement out. Pichotta stated that under capital improvements in 2013 purchase of surveying equipment is included, noting that this had been discussed earlier. Holst moved to adopt the proposed 2010 Land Management Department budget as presented and forward to Finance and Personnel/Rohl seconded. All in favor. Passed.

Discuss take action on Land Management Director/Land Use Coordinator job description. Pichotta reports: When the job description of Land Management Director/Land Use Coordinator was created, most of the effort was focused on adequately defining duties and responsibilities. Pichotta indicated that he did not believe that required years of experience was actually discussed. Currently both the Director/Land Use Coordinator and Administrator/Planner job descriptions indicate a need for three years of experience. He stated that it was his understanding that the intent of having two different position descriptions was to allow for someone hired to lead the Land Management Department to be
hired under either position description dependant upon the persons abilities and experience, noting that someone with limited experience may not be suited to address Land Conservation or Parks issues. He noted that when this issue was first discussed at his annual review in 2008, it was suggested by Dr. Sanden that 10 years experience might be appropriate. Pichotta indicated that a recommendation from the LMC regarding the position description would be sent to the Finance and Personnel Committee for consideration. Rohl asked about the portion of the position description entitled “accountable to”. Pichotta stated that the position is primarily accountable to the Land Management Committee, but is 25% accountable to the Chairs of the Land Conservation Committee, the Parks Committee, and the LMC. Chairperson Barkla asked what happens if Finance and Personnel agree to the change. Pichotta stated that it is his understanding that the description would likely go back to Bjorklund or someone else for ranking consideration. Pichotta noted that the position, as it stands now, is ranked as an entry level position (Degree A). Bjorklund has stated that because the qualifications of the job haven’t changed since the initial ranking of the Administrator/Planner position, this ranking remains correct. Pichotta noted that he believes that the initial ranking of the Administrator/Planner position, as well as several other positions, was incorrect primarily due to a lack of understanding about the Bjorklund system and the associated questionnaire by those filling it out. He also noted that several positions that report to the Director/LUC have higher knowledge and experience rankings than that position. Dr. Sanden stated one of his graduates was hired for the Polk County Planner and it’s been a nightmare for him without the necessary experience. Holst suggested modifying the position description to reflect the need for a minimum of eight years of experience, noting that with 8 years of experience you have learned how to deal with problems and should have the judgment necessary to do the job. Holst moved to increase the number of required years of experience to eight years for the Land Management Director/Land Use Coordinator job description and forward to Finance and Personnel for review and approval/Sanden seconds. All in favor. Passed.

Departmental Update and Future Agenda Items
Rule exception to extend preliminary plat for Whispering Pines in the Town of Trenton
CUP renewal/modification for Ellsworth Baseball Association
Closed session to discuss property for sale adjacent to Trimbelle Acres Park

Motion to adjourn at 7:46pm by Holst/Rohl seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, September 16, 2009

Present: Paul Barkla, Jeff Holst, Don Rohl, Joe Fetzer and Eric Sanden.
Others: Andy Pichotta, Jim Kleinhaus and Shari Hartung.
Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 7:00 pm in the County Board Room, Ellsworth, Wisconsin.
Next meeting date: October 7th & 21st, November 4th & 18th, all in 2009.
Approve Minutes: Rohl moved to approve the September 2, 2009 LMC minutes/Fetzer seconded. All in favor. Passed.

Discuss take action on a request for a rule exception to allow for an extension of Preliminary Plat approval on Whispering Pines for Jeff Oskey, Joyce Anderson and Lorelei Grines, owners 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. Staff Report – Emily Lund: Jeff Oskey and Joyce Anderson are here tonight and they are asking for a rule exception for an extension of the Preliminary Plat approval for the proposed Whispering Pines land division. Due to the decrease in the real estate market, the applicants have not completed the conditions associated with the preliminary plat approval. The applicants received preliminary plat approval on January 2, 2008 and were given 24 months to complete their subdivision before seeking final plat approval. The final plat approval for Whispering Pines subdivision expires January 2, 2010. Pierce County Subdivision of Land Code § 237-17C(3) is listed in the staff report and allows for up to 24 months. Since the applicants are at the maximum amount of time allotted for approval per code, the applicants are asking the committee for a rule exception to extend preliminary plat approval for an additional 24 months. Rule exceptions per PCC Subdivision of Land § 237-30 states:

A. Where the Land Management Committee finds that undue difficulties will result from strict compliance with 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 judgment of the Committee, justified the rule exception.

The property is located in Section 2 in the Town of Trenton. The owners propose 21 lots and 3 outlots. Lund noted that there is information in the staff report regarding Storm Water, Sediment and Erosion Control review. All parcels still meet standards. There is nothing new before you. Preliminary plat approval conditions #1 - #11 are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether or not this situation warrants a rule exception. If the Land Management Committee approves this rule exception to allow for an extension of Preliminary Plat approval the motion must include the reasons which, in the judgment of the Committee, justified the granting of the rule exception. All other conditions associated with the January 2, 2008 preliminary plat approval would remain in place.

Chairperson Barkla asked Pichotta if this is non-precedential. Pichotta stated that is correct. Sanden asked if undue difficulties include financial hardship. Pichotta stated that financial issues are typically not considered in zoning decisions and that a decision should be based on the purpose and intent of ordinance. Holst stated that with the economy the way it is, their intent is to move forward. Let them continue to farm the land until they are able to sell lots and then they can put the road in. Sanden asked if the extension would be for the full 24 months or less. Holst stated 24 months. Rohl stated that it seems logical to give them the extension. Rohl moved to approve the rule exception allowing for a 24 month extension for Whispering Pines preliminary plat approval finding that, per
Subdivision code § 237-30 this does not nullify the intent and purpose of the code /Holst seconded. All in favor. Passed.

Discuss take action on conditional use permit renewal and revisions to conditions permitted for a sports facility in the Rural Residential 20 District for Ellsworth Baseball Association Inc, owners on property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Jim Kleinhans: Kleinhans noted that Bill Green with the Ellsworth Baseball Association is present. This summer the baseball facility was outfitted with lights by the original developer. Because of the lights and hours of operation, instead of staff reviewing this, it’s being brought back before the committee to determine whether additional conditions are necessary to mitigate negative impacts. The original conditions associated with this use are listed in the staff report. Mr. Green has provided a copy of the liability insurance so we can strike condition #9. We need to look at the hours of operation because it was assumed it was being used during daytime hours. Now with the lighting, the hours of operation have increased and there are potential impacts on the neighborhood. Mr. Green suggested the hours of operation could be until 10:15pm on weekdays and 10:45pm on the weekends. The cost of operating the lights is pretty steep so they don’t want to have the lights on any longer than needed. The lights were engineered by a firm to maximize the illumination of the field for better playing conditions. It was designed not to illuminate adjacent properties but there is some run over. There are some soccer fields and a site that the Sheriff’s Department uses for K9 training. Kleinhans noted that the pictures included with the staff report were taken from second base. There isn’t much for a buffer for the adjacent white house. Holst asked Jim if he would suggest putting a vegetative buffer in. Mr. Green stated there are trees that have been planted. The Hager City Skeeters were the only ones that used the lights this year. Green stated that the Ellsworth Baseball Association wants to be a good neighbor and provide a place for the kids to play. As soon as the games are done the lights are shut off except for the top bank on the right and left field so they can see to rake in and cover the pitchers mound. Chairperson Barkla asked if they announce the games. Mr. Green stated the Skeeters were trying to do that and play some music but they were informed they couldn’t. The high school uses the field for spring ball and their games are usually done by 7:00pm, the youth team finished in mid July with their games. The Skeeters played until later in July and had a weekend tournament scheduled for Labor Day weekend but that fell through. They will have fall ball for six weekends, on Sunday, starting in September beginning at 10:30am in to the afternoon. Holst stated this is a valuable asset to the community that provides a place for kids to participate and stay out of trouble. He suggested putting up an awning and planting trees for a buffer for the neighbor. Mr. Green stated their future intentions would be to keep the K9 unit area and to have three softball/baseball fields and eventually put bleachers around the main field. They use a port-a-potty now and would someday like to put up a building with flush toilets. Holst asked if they plan to light those other fields. Mr. Green stated no. Pichotta noted that he had a discussion with Town of Trenton Chairperson Dick Bunce. Mr. Bunce had indicated that the Town of Trenton would like to see three things; lights out by 11:00pm, the lights re-adjusted away from Hwy 63 and for the ball field to be a good neighbor to the adjacent property owner. Holst moved to renew the conditional use permit for the Ellsworth Baseball Association Inc with conditions #1 – 9, adding #10 Hours of operation shall be 8:00am to 10:15pm, Sunday through Thursday, 8:00am to 10:45pm, Friday and Saturday. #11 Alleviate lighting overflow problem for adjacent property owner/Rohl seconds. All in favor. Passed.

Committee to convene into closed session pursuant to WI § 19.85(1)(e) Deliberating or negotiating the purchasing of public properties, the investing or public funds or conducting other specified public business, whenever competitive or bargaining reasons require a closed session; to-wit: consider purchase of 20 acre land parcel located in Section 21, Town of Trimbelle. Rohl moved to convene into closed session/Fetzer seconds. Roll call vote, Barkla, Holst, Rohl, Fetzer, and Sanden all in favor. 7:38pm
Committee to reconvene into open session and take action on closed session item, if required. Motion to reconvene into open session by Rohl at 8:09 p.m. /Fetzer seconds. Roll call vote, Barkla, Holst, Rohl, Fetzer, and Sanden all in favor. No action taken.

**Departmental Update and Future Agenda Items**
Conditional use permit to operate a heliport in the Town of Oak Grove
Conditional use permit for filling and grading in the Floodplain in the Town of Maiden Rock

Motion to adjourn at 8:11 pm by Holst/Rohl seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, October 7, 2009

Present: Paul Barkla, Jeff Holst, Don Rohl, Joe Fetzer and Eric Sanden.
Others: Andy Pichotta, Jim Kleinhans, Emily Lund and Shari Hartung

Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 7:00 pm in the Emergency Operation Center, Ellsworth, Wisconsin.

Next meeting date: October 21st, November 4th & 18th, all in 2009.

Approve Minutes: Rohl moved to approve the September 16, 2009 LMC minutes/Fetzer seconded.
All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a private heliport in the General Rural Flexible 8 District for Christopher Brekken, owner on property located in the SW ¼ of the NE ¼ of Section 27, T26N, R19W, Town of Oak Grove, Pierce County, WI. Chairperson Barkla invited Mr. Brekken forward:

Mr. Brekken stated that he is requesting a conditional use permit to establish a heliport. Sanden asked if this is for single aircraft use or multiple ones. Mr. Brekken stated for one helicopter. Rohl asked if this would be used daily. Mr. Brekken stated no - it will strictly be for fun. Sanden asked if the helicopter is a home built model. Mr. Brekken stated that it is made by Euro-copter.

Staff Report – Jim Kleinhans: Mr. Brekken is requesting a conditional use for the private heliport airstrip for personal transportation and as a hobby, on his 16 acre residential property. The property is zoned General Rural Flexible 8 where airstrips are conditionally permitted subject to provisions found in the zoning code. The Dept of Transportation provided a certificate of airport site approval dated June 24, 2009. Surrounding land uses include agriculture, woodlands and several residential subdivisions across Hwy 35 towards the Mississippi River. Mr. Brekken indicated that he typically flies during daylight hours and approval is for daylight hours for personal use, certainly not for commercial or public use. The FAA approval also conditioned the flight approach clear of public roads, highways, railroads and waterways and other traverse ways in accordance with Section 114.134(2) WI Stats, I’ve provided the second paragraph for those features in the report. The proposed heliport is approximately 100 feet from the east property line. This distance is close to the property line in comparison to approved fixed-wing aircraft facilities. The proposed approach-departure path is 180/360 (north-south). Existing structures in the vicinity that may pose a safety concern include several communication towers located approximately 2 miles to the southeast, the northeast and the northwest. Aircraft Global Positioning Systems typically alert pilots to such registered hazards. The closest adjacent residences at similar elevations include:

N10552 Hwy 35 800 ft to heliport
N4742 1065th St 930 ft to heliport
N4765 1065th St 1000 ft to heliport

There are several additional residences beyond a quarter mile from the site. The heliport is located in a wooded area. The FAA approved clear zone around the approach-departure pad must maintain an 8:1 ratio based upon tree height. A land use permit was issued to Mr. Brekken on May 19, 2009 for a 40 ft by 50 ft storage building in the vicinity of the heliport location. The helicopter will be maintained within the building. The Town of Oak Grove Planning Commission and Board members recommended denial of this request after discussion during their Aug. 17, 2009 meeting. The topics of discussion with the neighbors included: noise, hours of operation, consideration of property values and general safety of flights in and out of the site. Later at that meeting the Town approved their Town Comprehensive Plan. Kleinhans suggested that consideration be given to the Town Plan before the LMC makes a decision. The Pierce County Comprehensive Plan states that the County will seek to further the goals and objectives of the Town Comp Plan in permitting conditionally permitted uses.

Staff Recommendation: Staff recommends the Land Management Committee consider whether or not this land use request is contrary to public interest, or detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee consider approval of this conditional use permit for the
requested heliport with the following conditions:

1. The conditional use shall be renewed in 2 years. Renewal may be completed by staff administratively unless complaints are received by the Land Management Department.
2. Any potential or future changes or intensification in the use of the heliport shall be approved by the Land Management Committee.
3. The heliport is approved for daylight operations.
4. Approach and departure shall follow 180/360 flight path unless the committee finds modifications are necessary to mitigate impacts to surrounding neighbors.
5. Maintain the clear zone around the heliport following the 8:1 ratio.
6. Total number of take-off and landings may not exceed 30 per month.
7. Proof of adequate liability insurance shall be provided.
8. The conditional use permit will terminate if the Dept of Transportation revokes either their certificate of approval or Mr. Brekken’s pilot license.
9. Onsite fuel storage must be in approved containment vessels.

Chairperson Barkla opened the public hearing. Jerry Peterson, lives at N4742 1065th St, understands Mr. Brekken wanting this but he is concerned with his property values, the load noise and the flight path over the tree line along the Big River. He stated Mr. Brekken has taken off a couple times at 5:30am and landed late at night. He is also concerned with mechanical failures and the possibility of a crash. He feels most people in the subdivision would like to see him keep his helicopter in Red Wing. Steve Nelson, east neighbor Town of Oak Grove, is also concerned with loss of property values. He bought his property to live in the country and hunt on. He stated Mr. Brekken flies east to west right over his property. Joan Nelson, Town of Oak Grove, understands Mr. Brekken wants to have fun but at everyone else’s expense? We aren’t having fun when the helicopter is flying over. Nolan Morrow, east neighbor sharing the north/south border, stated the heliport doesn’t bother him right now but he has talked with the Nelson’s about developing their combined properties in the future. Historically, land in Oak Grove has been sold for residential use. He thinks it may decrease the value of their property. Public hearing closed. Sanden asked Jim if he could paraphrase how the Towns comp plan addresses this issue. Jim stated he isn’t familiar with the Town of Oak Grove’s plan. It may be appropriate to give them another chance to look at this to determine if it is addressed in their plan. Holst stated this is the first time we have had an issue where both the Town Plan and the County Plan are adopted. To give the planning process full value, we should send this back to the Town and with their plan in hand, they can take another look at it to determine consistency with their comprehensive plan. Holst moved to refer the request for a heliport for Christopher Brekken back to the Town of Oak Grove to review the request for consistency with their adopted comprehensive plan/Sanden seconded. Mr. Morrow asked if conditional use permits are renewed or if they are permanent? Pichotta stated they are renewed every two years in the case of nonmetallic mining or as established by the committee. Often, if it’s a contentious use, sometimes it’s reviewed after six months to see if an adjustment to the conditions is necessary. The whole purpose of the conditional use permit is to mitigate potential impacts to the neighbors. Mr. Brekken asked what happens now. Fetzer stated it will go back to the Town because now they have their comp plan adopted. It would be tough for us to make a decision not knowing what their plan is. Mr. Brekken asked where he could get a copy of the Town of Oak Grove Comp Plan. Pichotta stated that a link to the plan is on Cedar Corps website. Pichotta explained according to the recently adopted Pierce County Comprehensive Plan the County will try and further a Town’s comprehensive plan in the issuances of conditional use permits. If a Town’s comprehensive plan gives guidance to a request for a conditionally permitted use, adherence to the plan would be considered to be in the public interest of that Town. If the plan gives no guidance on a given issue then the town recommendation would be advisory in nature and not binding. The County views furthering those goals, objectives and policies of a Town Plan as being in the public interest of that Town. All in favor. Motion passed.
Floodplain for Theresa Sullivan, owner of property located in the NE ¼ of the SE ¼ of Section 24, T24N, R16W, Town of Maiden Rock, Pierce County, WI. Chairperson Barkla invited Ms Sullivan forward: Ms Sullivan explained that she purchased 20 acres in Pine Creek Valley with an easement with Western Wisconsin Land Trust that states a residential building can only be built up on the bluff, which requires a driveway to go through the floodplain, a residence can only be 650 sq ft and an accessory building can only be 400 sq ft. So this request is to do the filling and grading for the driveway to get up on the shelf. **Staff Report – Jim Kleinhans:** Ms Sullivan purchased this property from Robert Bixby on Aug. 17, 2009. There were some issues with development not only with building restrictions but access approval was a contingency of the purchase and she does have a driveway permit from the Town of Maiden Rock. This is a minimally maintained road and may have limited access in the future. Johnson and Schofield put together the driveway design and included erosion control measures and best management practices. I forwarded the plan to Wisconsin Dept of Natural Resources (DNR) engineering staff who reviewed the driveway construction plans and had no concerns about passing through the floodplain. Because it’s passing through the floodplain it requires a conditional use permit for filling and grading. The three issues that I mention under A, B & C on page 2 should be a part of review and approval.

A. Driveway construction to reduce the grade to less than 12%

The existing access path on the hillside contains grades in excess of 12% slope. The planned reconstruction will reduce grades to approximately 11.8%. Approximately 800 feet of driveway will be constructed to access the designated building site as approved by the WI Land Trust. The plan provides grading to establish the desired slopes and associated erosion control measures. They propose a 10 foot wide rushed aggregate surface with ditches of various widths.

B. Construction shall be commenced/completed during seasons of low flood potential and seeding established during the growing season.

There is no immediate need for the driveway as the cabin will be constructed in the future. The narrative indicates the owner camps on the land presently. The timing of construction and renewal of this request should be established.

C. Stabilize all graded and filled areas with suitable ground cover and mulch.

Soil erosion control elements are based upon recommended WI DOT seeding rates and best management practices.

One of the things that I have discussed with the applicant is the timing of the development. She has indicated that she may not want to do this now. She may want to camp on the property for now, typically the use is established within 12 months. So the committee should consider the timing of the construction to cut off any potential negative impacts to downstream residences. There has been a lot of work done downstream by the DNR. The applicant indicated that she may not want to do this for two years so the committee should consider going beyond the typical 12 months. **Staff Recommendation:** Staff recommends the Land Management Committee consider whether this request is contrary to the public interest, or detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee consider approval of this conditional use permit for the requested activity with the following conditions:

1. Contractor shall follow plans as approved.
2. The Land Management Department shall be notified at the project initiation.
3. Final grading and seeded areas should be completed by September 15 to establish vegetative cover prior to dormancy period.
4. Erosion control best management practices shall be implemented immediately after final grading and maintained until the disturbed areas are stabilized.
5. The project shall be completed within ___ months of approval.
6. A reference benchmark be established for correct culvert placement and to verify proposed grades.

**Chairperson Barkla opened the public hearing. No public comment. Public hearing closed.** Holst
asked Ms Sullivan what kind of time frame she is looking at. Ms. Sullivan stated she would like as much time as possible and the reason she is applying now is because there is a certain amount of the purchase price tied up in escrow because it’s not buildable without the conditional use permit. She is camping on the property now and would like to do it in phases. Sanden asked Jim what his estimate is to put the driveway in from start to finish. Jim stated for 800 ft of driveway, grading on the hillside and tree clearing and to get the culvert set, depending on who her contractor is, it could be done in two weeks. If she doesn’t get it done in 24 months, she could come in for a renewal. Sanden asked about a time frame after June 1st and to be done by September 15th. Kleinhans stated that shouldn’t be a problem. Sanden asked Pichotta if there is any precedence in extending it out to 24 months. Pichotta stated the code says, shall be established in 12 months or if a condition is established that will identify a time frame that shall be followed. It clearly gives the committee some discretion to establish longer time frames. We have extended beyond 12 months before. Sanden moved to approve the conditional use permit for filling and grading in the floodplain for Theresa Sullivan finding it is not contrary to the public interest nor detrimental or injurious to public health, safety or the character of the surrounding area, with conditions #1 – 6, amending condition #5 to read 24 months and adding #7 Construction not begin until after June 1st of any given year/Rohl seconds. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for an accessory residence in the Agriculture Residential District for Joseph Maves, owner, by James Maves, agent on a parcel of land located in the SE ¼ of the SE ¼ of Section 6, T26N, R15W, Town of Rock Elm, Pierce County, WI. Chairperson Barkla invited Jim Maves forward: Mr. Maves explained that he would like to put a trailer on the home farm. Staff Report – Emily Lund: The property is located in Section 6, in the Town of Rock Elm and is zoned Agriculture Residential. Joe Maves owns 198 acres and jointly owns 80 acres with his brother, Jim Maves. Jim is seeking a conditional use permit to establish an accessory residence on the 40 acre parcel on which Joe’s existing home is located. The proposed residence, a 14 ft X 70 ft trailer home would be located south and west of the existing buildings, approximately 420 ft west of 210th St and 200 ft north of the lot line. Jim plans to secure access to his residence off of 610th Ave. Rock Elm Town Board recommended approval of this request on 9-15-09. The Town’s recommended conditions are as follows:

1. Applicant will need to get a driveway permit from the Town, which was secured and submitted today.
2. Applicant will need paper work for the septic system and is interested in a holding tank. Applicant hired John Pelke and on 9-29-09 a sanitary permit was obtained for a holding tank. Pierce County Code does allow for accessory residences and the Chapter is listed in the staff report. No renewal is needed for this request. Staff Recommendation: Staff recommends the Land Management Committee determine whether or not this request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for an accessory residence with the following conditions:
   1. The applicant shall obtain a driveway permit from the Town and a copy submitted to the Land Management Department. Strike
   2. The applicant shall obtain a Land Use Permit for the trailer home to verify zoning setbacks, etc.
   3. The applicant shall obtain a Building Permit from the Town of Rock Elm’s building inspector to have the building inspected to ensure that it meets the State of Wisconsin – Uniform Dwelling Code.
   4. The applicant shall obtain a Uniform Address Number from the Land Management Department.

Chairperson Barkla opened the public hearing. No public comment. Public hearing closed. Fetzer recused himself from voting due to possible conflict of interest. Holst moved to approve the accessory residence for James Maves with conditions #1 – 3 due to the fact it is found not to
be contrary to the public interest, nor detrimental or injurious to public health, safety or the character of the surrounding area/Sanden seconds. Rohl asked Mr. Maves why he was putting in a holding tank. Mr. Maves explained it is just him and the holding tank system is less expensive than a mound. All in favor with Fetzer not voting. Passed.

Discuss take action to approve purchase of land in Town of Trimbelle with Park Development Funds. Pichotta reports: The Land Management Committee and the Parks Committee each recently met in closed session to consider the purchase of a 20 acre parcel located immediately adjacent to the Trimbelle Recreation Area. Staff was directed, by each, to pursue purchase of the parcel. An offer in the amount of $60,000 ($3000 an acre) was accepted by the seller on 9/23/09. A history of the Park Funds is listed in the staff report. The balance of the Park Development fund is currently $668,164 (9/9/09). According to the Park Fund Use Parameters contained in the Pierce County Outdoor Recreation Plan, purchase and/or development of a site must be consistent with the Pierce County Outdoor Recreation Plan and shall be considered by the Land Management Committee and Parks Committee, and, if possible, included in the appropriate department’s annual budget. Each committee shall provide a recommendation to the Finance Committee regarding a proposed nonbudgeted expenditure. County Board approval is also required. After a recommendation is made by this committee, a recommendation by the Parks Committee and then the County Board will be needed. This proposed expenditure is consistent with the Pierce County Outdoor Recreation Plan in that it would create additional day use recreational facilities, which could include expanded fishing access, wildlife viewing and sightseeing opportunities and walking trail opportunities. The purchase of this parcel would effectively increase the size of the Trimbelle Recreation area from 12 acres to 32 acres and would create additional recreational opportunities in the general area of the county from which the majority of Park Development Fees were collected. Staff Recommendation: Given the information above, staff recommends the Land Management Committee approve the purchase of 20 acres in Section 21 of the Town of Trimbelle for $60,000 and forward a recommendation to the Finance and Personnel Committee. Holst recused himself for possible conflict of interest. Sanden stated he thinks this is a great opportunity for the County and works out well with the Trimbelle Park just opening up. Rohl moved to approve the purchase of land in the Town of Trimbelle with Park Development Funds and forward a recommendation to the Finance and Personnel Committee/Fetzer seconds. All in favor with Holst not voting. Passed.

Departmental Update and Future Agenda Items
We will be seeing the Brekken conditional use permit again but probably not at the next meeting.
Public hearing for a duplex for Paul Nielsen in the Town of El Paso
Site plan approval for Lakes Gas in Town of Trenton
Site plan approval for Churchill Storage in Town of Clifton
Status report on nonmetallic mining for County Materials in Town of Spring Lake
Pichotta noted that staff is looking at putting up PDF’s of staff reports on the Pierce County web site for folks that are interested. Placement may also be useful for people that are interested in applying for a permit in the future, they can get an idea of how things work and what’s important. One question is do we put up staff reports from a certain point and forward or do we go back and try to put past ones on the internet. My recommendation would be to go forward. Committee agreed.
Kleinhaus stated that two years ago he had informed the committee about changes in the floodplain rules and just recently we received a disc containing proposed floodplain maps for the entire county. Currently we have 9 panels for the County and we’re going to have about 80 panels - on a larger scale. We are reviewing those maps now. The panels will be adopted after we have our open house and discussion. We’ll get final maps from FEMA.

Motion to adjourn at 7:49 pm by Holst/Rohl seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung

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MINUTES - Pierce County Land Management Committee Meeting, October 21, 2009

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

Chairperson Barkla called the Pierce County Land Management Committee meeting to order at 7:00 pm in the Emergency Operation Center, Ellsworth, Wisconsin.

Next meeting dates: November 4th & 18th, all in 2009. Pichotta stated there is nothing on the agenda for November 4th so we will not need to meet.

Approve Minutes: Fetzer moved to approve the October 7, 2009 LMC minutes/Rohl seconded. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a duplex in the Primary Agriculture District for Paul & Judith Nielsen, owners on property located in the SW ¼ of the SE ¼ of Section 17, T26N, R16W, Town of El Paso, Pierce County, WI. Chairperson Barkla invited Paul Nielsen forward:

Mr. Nielsen explained in June he applied and received permits for a walkway and an additional garage which connected the previous Amish Store to his dwelling. Upon completion he was told that this was a single structure it was not a duplex and could not be used as a dwelling based on current conditions. He was told he had two options; to remove one kitchen or apply for a duplex. At the time he applied for the duplex permit, the Town of El Paso had not addressed duplexes. He asked for a definition of a kitchen and was told something would be mailed to him. The Town Chair indicated they would be looking for public input. There were two opportunities for the public to comment on the issue. There was no opposition at the Planning Commission level or the El Paso Town Board. Mr. Nielsen had a petition signed by 119 El Paso residents or land owners. The El Paso Planning Commission met on July 29, 2009. Prior to the meeting, Paul spoke with Dan Fisher who indicated they would deny the request and that the County would pass it. His daughter asked what the next steps were and when the next meeting was. Due to earlier discrepancy, his daughter recorded the meeting. On July 30th, Paul met with Andy and Jim to discuss the conversation with Dan and him. They indicated they never said it would be passed. In August, his daughter noticed it wasn’t on the Planning Commission agenda. Paul was told it was his responsibility to get it added to the next agenda.

There were further delays and a couple days before the September meeting, Ron Kannel contacted him and said they had failed to meet the PC Herald deadline. They moved the meeting back to September 23, 2009. The Town denied the request and stated it wasn’t a duplex as it didn’t meet the building definition of a duplex.

Staff Report – Jim Kleinhans: Mr. Nielsen obtained a permit to connect the two buildings earlier this year. I visited the site in June, while under construction, and indicated that I felt it was a duplex so I wrote him a letter with the definitions out of the zoning code. Duplexes are conditionally permitted in the Primary Agriculture District. Mr. Nielsen is here to try and correct that situation. The Town Board made a negative recommendation on this proposal based on the criteria in their draft comprehensive plan. Mr. Seipel, the building inspector stated the site complied with uniform dwelling code requirements. The Nielsen’s provided a petition with 119 signatures from mostly folks in the Town of El Paso, about 84 households; several were husband and wife. Those were primarily from the east side of El Paso. The Town’s reasons for denial are listed in the staff report.

1. The Town indicated they didn’t believe the building met the definition of “duplex”. Again we’re working from adopted County Code.
2. The Town suggests the 160 ft covered walkway used to connect the two buildings seems an “exaggeration”. Similar types of construction have been utilized in the past to obtain land use permits.
3. The land use permit was issued for a walkway and additional storage and that is what Mr. Nielsen is using it for at this time.
4. The Town indicated a need to stay consistent with the proposed comprehensive plan and felt
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Staff consistently considers all lawful options for all property owners when applying for and obtaining compliance with the zoning ordinance. That’s why Mr. Nielsen is here because I suggested he do that. **Staff Recommendation:** Staff recommends the Land Management Committee consider the Town’s position along with any concerns or issues raised during the public hearing in determining whether the proposed use at the proposed location would be contrary to the public interest and whether it would be detrimental or injurious to the public health, public safety or character of the surrounding area. If found not to be contrary to the above, staff recommends the following conditions:

1. Landowner must occupy one of the residences on the property.
2. Any deviation from the approved conditions requires the applicant apply for a new CUP.
3. This CUP shall be renewed in 2 years.
4. If a party other than a family member wishes to reside in the duplex, a management plan must be approved by the Land Management Committee.
5. A second uniform address number is needed for this building per PCC 115-3C.
6. The secondary driveway connection from this parcel to Hwy 72 shall be removed within 8 months of approval.
7. This CUP shall not run with the land and shall be automatically invalidated by the sale or other transfer of title to this parcel of land.

**Chairperson Barkla opened the public hearing.** Ron Foley, Supervisor, stated denial of this request is in the best interest of the Town and citizens. In our letter dated September 26th, #4 states the board felt it needed to stay consistent with the proposed comprehensive plan, therefore the decision to deny this request follows the intent of the comprehensive plan and is in the best interest of the citizens of El Paso. Mr. Foley quoted minutes from the Land Management Committee meeting dated May 6, 2009. He stated the committee is being asked to approve this structure as a duplex which would intensify the residential density in a Primary Ag district. The Town Board denied this request on September 23rd and they feel the committee should too. Dan Fisher, El Paso Planning Commission and Town Board, stated both boards denied this request and felt it didn’t meet the definition of a duplex. The County zoning referred to a structure with a common roof line and the most resent County definition refers to a structure containing two dwellings regardless of ownership. He believes it is a stretch to call it a duplex. He believes this replaces the original intent to erect two homes on 8.2 acres. Public hearing closed.

Sanden stated the second structure was built for a business that was open for two years. Then it was going to be turned into a residence at that point it was denied because of the reasons just stated. It seems to fail the common sense test. You have two obvious separate structures with an extended sidewalk in between. It doesn’t look like a duplex. It seems to me, this would make all of our density codes null and void. I’m concerned for all our future density requirements. Kleinhans explained the definition states two attached dwellings units on the same lot. Clearly the covered walkway is a common roofline so it looks like a duplex. That was his rationale in the letter he sent. In another instance we had an individual that wanted to have a Home Occupation to make bedding out of straw material but didn’t want to have it in there garage but in an outbuilding. They connected them with a walkway to make it one building. Pichotta stated residential density has to do with the ability to create lots. If you have a residential use on a parcel, the ability to increase dwellings on the lot from one to two is a conditional use permit. It doesn’t require density points. Similarly if you were to put in a multifamily dwelling on Rural Residential 20 it doesn’t require density points. In regard to this duplex discussion, that’s not an issue. If he had additional residential density on this lot he could have created another lot. That wasn’t an option because it wasn’t zoned properly and it wasn’t big enough.

According to our code an accessory building is a building not attached to a principle building by means of a common wall, common roof or aboveground passageway. Because it is connected, we can’t view that structure as being an accessory structure. Holst asked about the permit being for a covered walkway and storage. Did you build the additional storage on the Amish Store. What is it being used for now? Paul stated his daughter is using it for storage. Rohl asked for the density vs accessory building to be explained again. Kleinhans stated density is considered when creating lots. We’re not
creating a lot but altering an existing building for more living quarters. When you look at the County’s Comprehensive Plan that is adopted it talks about providing additional options for people and additional arrangements. We included part of that in the staff report. Duplexes are conditionally permitted in the Primary Agriculture District and we have one already permitted in the Town of El Paso since the current zoning was adopted. The configuration is a little unorthodox but it’s based on the zoning code. Chairperson Barkla stated this has been a long, frustrating road. He believes much of this contention on both sides could have been obviated if people had been straight forward and stated what their intent was. At what time will there be finality to the whole operation? Holst moved to grant the conditional use permit for a duplex in the Primary Agriculture District for Paul and Judith Nielsen with conditions #1 - #7 due to the fact it is not found to be contrary to public interest nor detrimental or injurious to public health, safety or the character of the surrounding area/Rohl seconded. Chairperson Barkla asked to make this two motions and then discuss the conditions. Holst and Rohl agreed. Chairperson Barkla asked for a roll call vote. Holst, Rohl and Fetzer vote yes, Barkla and Sanden vote no. Chairperson Barkla stated motion passed 3 -2.

Chairperson Barkla asked Holst to go through the conditions one at a time to justify them.

1. Holst stated either Paul or his daughter have to live in it.
2. Probably some members of this committee will still be here. Any deviation and it will not be looked on favorably. When it’s reviewed again the Town will have a complete comprehensive plan.
3. Holst stated the conditional use permit will be reviewed in two years. Chairperson Barkla stated we have had other issues that were contentious and we’ve had them come back to this committee sooner to deal with any complaints. Holst asked if that is a friendly amendment, Chairperson Barkla stated yes, to come back before the committee in 1 year.
4. Paul is doing this to help his daughter in tough times. Once the tough times are over, then we move on.
5. The duplex is required to have it’s own address per code.
6. This condition speaks for itself.
7. If Paul chooses to build another home and moves out of this one, this issue goes away. This is a short term, family based problem. If his daughter moves on, this goes away. I understand the Town’s rationale but according to County zoning code it is a duplex.

Holst moved to approve the conditional use permit conditions #1 - #7 as amended/Rohl seconded. Pichotta stated Pierce County has adopted a new comprehensive plan, that plan definitively lays out how the County deals with Town’s that have or have not adopted comprehensive plans. It says that a Town that has adopted a comprehensive plan adheres to the goals, objectives and policies of that plan will be viewed as the public interest for that Town. The LMC will seek to further the Town goals in the issuance of any conditional use permit applications. Because the Town hasn’t adopted a plan at this time, that recommendation is advisory and nonbinding. Ideally we would mention the fact that this is determined by the committee, this is consistent with the comp plan because that is the tool with which the appropriateness of the use is gauged. Holst restated his motion to approve the conditions #1 - #7, amending #3, due to the fact it follows the adopted Pierce County Comprehensive Plan/Rohl seconded. Roll call vote: Holst, Rohl, Fetzer, Barkla and Sanden all vote yes.

7:39pm Chairperson Barkla called for a 5 minute recess.
7:44pm meeting resumes.

Discuss take action on a request for site plan approval for Lakes Gas Co., owner of property located in the NW ¼ of the NW ¼ of Section 2, T24N, R18W, Town of Trenton, Pierce County, WI. Chairperson Barkla invited Gale Christensen forward: Mr. Christensen stated Mr. Kleinhans requested a lighting plan and signage. They were unaware about the parking based on occupancy of the building but they should be able to accommodate that. He presented a diagram of the light placement with three exterior lights on the building. There will be a dusk to dawn security light at the top.
Kleinhans stated he needs to indicate where the parking would be and delineate one for handicap.  Pierce County Code states one space is required for every 200 sq ft of primary storage area. **Staff Report – Jim Kleinhans:** Lakes Gas intends to replace their industrial building. It’s a small lot, 1.2 acres and they had a very small office. They want to incorporate the office with a retail space and be able to get the trucks in to a service area. During site plan review, we look at items like loading and unloading areas, highway access, traffic generation and circulation, lighting, signage, drainage, water and sewer systems, and proposed operations. This property was originally developed for delivery of propane by rail. Propane is delivered by tank truck currently. Since the property is located adjacent to a railroad with no side yard setback. They need to maintain a lane in the middle of the building site to back to the propane tanks. Two 60,000 gallon propane tanks are located on the property. The building must be setback 75 feet from the propane tanks per National Fire Protection Code 58 Chapter 6. A 40 foot building setback is required along the adjacent residential district and a 0 lot line setback to the railroad property. The bulk tanks must be secured and contained within fencing. There is a 0 lot line setback to the railroad property. They were issued a land use permit. The size of the proposed building is 36 ft by 52 ft. The exterior lighting plan for the building is provided. Any security lighting should be shielded down onto the facility so as not to illuminate neighboring residential properties. The Dept of Commerce who granted registration approval of the building to Rice Engineering and the engineering firm will do the inspections. **Staff Recommendation:** Staff recommends the Land Management Committee consider the information provided in this report when reviewing plans for Lakes Gas Co. new office and retail building and determine whether modifications are necessary to achieve “compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect values and contribute to efficient land use.” Fetzer asked how far away they are from residential. Mr. Christensen stated there is a wooded barrier between Lakes Gas and residences. Sanden asked if there have been any complaints. Kleinhans stated no. Holst stated they have been a member of the business community for a long time and have been a good neighbor. **Sanden moved to approve the site plan review for Lakes Gas Co for a new office, retail and service building/Fetzer seconds. Holst asked if we need clarification on the parking spaces. Kleinhans stated they need 4 spaces along the lot line and one delineated handicapped space along the building. Sanden moved to approve the site plan review for Lakes Gas Co for a new office, retail and service building with condition #1 Four regular parking spaces and 1 delineated handicapped space/Fetzer seconded. All in favor. Passed.**

Discuss take action on a request for site plan approval for mini storage development for Churchill Storage LLC, owner of property located on Lot 3, CSM V12 – P107, in the SW ¼ of the SW ¼ of Section 36, T27N, R20W, Town of Clifton, Pierce County, WI. Chairperson Barkla invited Todd Huffman forward: Mr. Huffman explained that they would like present their plans for a storage building. **Staff Report – Jim Kleinhans:** George Jacques developed a light industrial park off of Hwy 29. This is the first request to develop a lot. The private road that belongs to Mr. Jacques, is supposed to be inspected. We don’t know if it’s completed yet. Town of Clifton has jurisdiction over that road so we’ll be looking for approval from the Town. The soil test was complete but this site will not have running water so a sewer system isn’t needed. An on-premise advertising sign was discussed with these gentlemen. It is proposed to be in the middle of the parcel just to the north of the drainage easement. The sign face area may not exceed 32 square feet. The site is currently open and seeded to grasses. A landscape design was not provided. There is an initial building they are proposing and future development of the site lists a full line of mini storage type buildings with spacing in between that allows adequate room for vehicles to access those cubicles. The cubicles are designed to be adjusted so they can increase the size of one and shorten up another one depending on peoples needs. Quite a bit of soil is on the site right now and they are in the process of developing a stormwater retention pond. Jim checked with the Department of Natural Resources stormwater control agent and he stated there is no notice of intent issued at this time so that’s something that needs to be resolved. The soils need to be contained. The average slope of the property is 3%. The applicant indicated that
the Department of Commerce approved the plan for the first mini storage. No lighting plans except that each building would be illuminated by security light for each individual door activated by switch. Cleary Building is the contractor. **Staff Recommendation:** Staff recommends the Land Management Committee consider the information provided in this report to determine if the site plan is adequate and appropriate issues are addressed, or whether modifications are necessary to achieve “compatibility between land uses, create safe and attractive site layouts and structures, provide proper access to streets and transportation, protect property values and contribute to efficient land use.” Staff further recommends that the following conditions be associated with any approvals:

1. No land use permit shall be issued for this parcel until such time as the Department of Land Management is notified by the Town of Clifton, in writing, that the road serving this parcel has been constructed to appropriate standards or that it is deferring to County Private Road Standards. If deferred, land use permits shall not be issued until compliance with County standards is verified.

2. The Department of Natural Resource and Dept of Commerce requirements for stormwater management must be compliant.

Chairperson Barkla asked about the condition #1. Jim stated we have a private road being built and a contractor that hasn’t been upfront about checking with Department of Natural Resources for approvals. The site is not stable. Road ditches are not seeded and mulched. There are some erosion control elements, a stormwater pond is being developed but there is a lot of stockpile soil around that should be protected. Typically if you have a Town Road being developed, an engineering firm is going to be inspecting that road during construction to maintain the lift to ensure it can handle industrial type traffic. The Department of Transportation wants to make sure the pavement on the turn lane coming into the project is completed. Jim spoke with Todd today and Monarch Paving is scheduled to pave that road within the next couple days. **Holst moved to approve the site plan review for mini storage development for Churchill Storage, LLC with conditions #1 – 2/Sanden seconded. All in favor. Passed.**

**Discuss take action on status report for a nonmetallic mining conditional use permit for CMC – Spring Valley LLC, owner of property located in the SE ¼ of the SE ¼ of Section 9, T27N, R15W, Town of Spring Lake, Pierce County, WI. Chairperson Barkla invited Jim Small forward:** Mr. Small stated he sent copies to Brad of contour maps. He presented two contour maps, one of the existing contour and a noise contour map. They did seven shots this year and all were within State standards. One was a little high but they will be working on that. He met with the Town last month. They still had a couple shots to do at that time. This spring we planted about 3000 seedlings, red and white pine on the berm. The red pine didn’t do so well. He will replant with something else. They had an issue back in early July. County Materials had a stock pile of sand they had accumulated. Monarch came and took it all in two days. There were a lot of trucks. They have a contract with them now and they will be taking it as County Materials makes it so that won’t be an issue. They have a new neighbor and they have taken well samples. The nitrates are up a little bit but that is typical for this area. In the spring, County Materials will be asking respectfully for the additional hour of operation during the operating season, until 7:00pm. Sanden asked what kind of progress was made in going down and still some visibility issues. Mr. Small stated this whole season we have been down in the hole. The contract crusher has been down in the hole. The wash plant is still up on top. We were pretty busy considering how the economy was. If it is similar production next year as this year, we will be on that other bench, probably two years before we are moving anything else down in the hole.

Chairperson Barkla asked what the neighbors would say about County Materials. Mr. Small stated he talks with most of them before a shot, some he leaves messages, other than the truck situation in July, he would think they would say we have improved with getting the crusher down in the hole and with the berm. We’re trying our best to be a good neighbor and to meet when they have concerns. We had one neighbor that had an issue with two of the shots that she felt. I’m trying to meet with her out there.

**Staff Report – Brad Roy:** County Materials is here just for a status review. The operation was
permitted in 2007. The permit covers approximately 200 acres; of which County Materials intends to mine approximately 130 of those acres. The conditional use permit was renewed on April 15, 2009. The hours of operation were modified at the renewal to 6am to 6pm Monday through Friday, 8am to noon on Saturday. The existing conditions associated with this CUP are listed in the staff report #1 - #25. Staff has not recently received complaints; past complaints have been:

1. Noise from the operation.
2. Visual impacts from STH 128.
3. Dust.
4. The presence of sand in some of the nearby wells.

**Staff Recommendation:** Staff recommends the Land Management Committee determine whether modifications or additions to the conditional use permit are necessary to mitigate off site impacts. Holst stated he drove by on Hwy 128; unless you know where it is, it’s hard to see coming from the one direction. Mike Jacobson stated we have enjoyed working with Jim Small. We keep an eye on Jack. This summer has been good. They are asking for a continuation of the conditions. The biggest thing with CMC was the hours. It’s quiet. The crusher going down was good. Coming from the north it’s still a little more visual than we had hoped. County Materials is working with the Town. We would like to have Mr. Small come to the Town meeting once or twice a year, have the Town President or Chair there and keep it at that level and not have to come over to these meetings. Sanden asked Mr. Jacobson to get some feelers out over the next 6 months regarding the extra hour of operation. Sanden moved to recommend no modifications to the conditional use permit are needed at this time/Holst seconded. All in favor. Passed.

**Departmental Update and Future Agenda Items**

Progress is happening on the Nugget Lake Emergency Notification System. There will be a meeting with the weather service and High Sierra (?) on November 5th to coordinate efforts. Special meeting with Parks Committee next week regarding the land purchase. We’ve had requests from a variety of contractors who are interested on bidding on the Corp of Engineers Lock & Dam #3 project to utilize some portion of the Trenton Island buyout properties. The Town of Trenton has been invited because it will be there roads that will be used to access.

No meeting on November 4th.

Motion to adjourn at 8:25 pm by Holst/Rohl seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung
PUBLIC HEARING TO CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT FOR A FARM AND HOME BASED BUSINESS FOR VALLEY VINEYARD IN THE GENERAL RURAL FLEXIBLE 8 DISTRICT FOR RUDY & CATHY JUNGWIRTH, OWNERS ON LOTS 6, 7 & 8, LOCATED IN THE SW ¼ OF THE NW ¼ OF SECTION 23, T26N, R19W, TOWN OF OAK GROVE, PIERCE COUNTY, WI.

Chairperson Barkla invited Rudy Jungwirth forward:
Mr. Jungwirth explained he started his business a few years ago. He has had a liquor license for three years. He used to utilize the detached garage for the winery but wants to expand and therefore needs the conditional use permit. He would also like to sell cheese and have a local artist display their work. Chairperson Barkla asked how long ago he obtained the liquor license. Mr. Jungwirth stated three years ago and has renewed it twice. Sanden asked if they do sales and what is the size of the operation; cases per year. Mr. Jungwirth stated yes, and they are estimating approximately 10,000 bottles for this next year. Sanden asked what his full capacity is. Mr. Jungwirth stated his three fields will produce 24,000 bottles of wine. Rohl asked if they serve wine there. Mr. Jungwirth stated they have wine tasting.

Staff Report – Emily Lund: Mr. & Mrs. Jungwirth received a home business land use permit on 2-22-08 to operate Valley Vineyard wine making and sales out of their 43 ft by 30 ft garage. On 7-24-09 a garage addition was permitted with the condition that a CUP be obtained. Their business expanded into the additional portion that is 24 ft by 24 ft in dimension and is two stories tall. This expansion requires the applicants to obtain a conditional use permit. The property is comprised of Lots 6, 7 & 8, Crossroads Subdivision in Section 23, Town of Oak Grove. It is zoned General Rural Flexible 8. Oak Grove Town Board recommended approval of this request on 9-21-09. The Town’s rationale states, “This is consistent with the Town of Oak Grove’s Comprehensive Plan that was adopted August 17, 2009. In the staff report is listed the chapter’s that support this rationale. Section 240-36(E) allows farm and home based businesses as accessory to single family residential uses subject to the following:

1. The farm and home based business shall be conducted by the owner of the dwelling unit. No more than eight persons not residing on the site may be employed in the business.
2. If located in the dwelling unit, the farm and home based business shall occupy no more than 50% of the dwelling unit. If located in an accessory building, the farm and home based business shall not occupy an area greater than 5,000 square feet.
3. Minimum lot size shall be 5 acres.
4. Such other conditions as specified by the Land Management Committee pursuant to Sec 240-76 shall apply.

The Jungwirth’s own 25.39 acres so they meet minimum acreage required. The Pierce County Code Ch 240-54(A) requires 12 parking spaces on their property. The applicants now have room for 10 spaces and will need to make room for 2 additional spaces. Hours of operation are 11 am to 6pm, Thursday through Saturday, noon to 5pm on Sunday and closed Monday through Wednesday. Complaints received by the Land Management Department from many different people on June 16, 17, 18 and July 21, 2009 with the main concerns being parking, traffic, internet and local sales, a hobby changing to a business and checking on permits. An advertisement sign for Valley
Vineyards is located on Cty Rd E and 521st Street at the entrance of the Crossroads Subdivision. This sign cannot be there because it is not possible for it to be permitted in this location. The applicant is asked to have this sign removed immediately. They can get a permit for a 24 sq ft sign to be on their property or talk to the Highway Department about a directional sign. A sanitary inspection needs to be done and a permit shall be obtained by a Wisconsin Licensed Plumber to ensure compliance with Dept of Commerce Ch 83 and Pierce County Sewage Disposal Code Ch 191.

**Staff Recommendation:** Staff recommends the Land Management Committee determine whether or not approval of this request is contrary to the public interest and whether it would be detrimental or injurious to the public health, public safety or character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a farm and home based business with the following conditions:

1. No more than 8 persons not residing on the site shall be employed in the business.
2. The entire business area shall not exceed 5,000 square feet in an accessory structure.
3. The applicant shall delineate 12 parking spaces that will be available for customer parking.
4. The applicants shall remove the advertisement at the intersection of Cty Rd E and 521st Street.
5. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
6. A sanitary inspection and permit shall be obtained by a Wisconsin Licensed Plumber to ensure compliance with Dept of Commerce Ch 83 and Pierce County Sewage Disposal Code Ch 191.
7. If the liquor license is not renewed annually, sales of wine need to cease.
8. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no complaints arise. The Land Management Committee shall act on the request for renewal if complaints are received.
9. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.

**Chairperson Barkla opened the public hearing.** Michael LaCasse, a neighbor on 521st Ave, stated his main concern is increased traffic. He lives before Rudy on the road so every vehicle goes by his place twice. **Public hearing closed.** Sanden asked about the complaint regarding the internet. Lund stated that people called saying they had seen an advertisement on the internet. She stated they were concerned that maybe he didn’t have a liquor license and that the advertising wasn’t code compliant with the business. She searched and found it and then called and talked to Mr. Jungwirth. Sanden stated the way the Town of Oak Grove’s Comprehensive Plan was listed in the staff report was very helpful. Any kind of business in Pierce County can be a good thing, unfortunate that it does affect certain people. Increased tourism has a ripple effect and helps the economy. **Sanden moved to approve the conditional use permit for a Farm and Home Based Business for Valley Vineyard in the General Rural Flexible 8 District for Rudy and Cathy Jungwirth with conditions #1 - #9 due to the fact it is not found to be contrary to public interest nor detrimental or injurious to public health, safety or the character of the surrounding area/Rohl seconded.** Chairperson Barkla asked to make a friendly amendment to condition #8. When there have been complaints and concerns by the neighbors, we have brought the issue back before the LMC in one year to resolve any issues. Sanden stated that is a good idea since they are only at 50% capacity of wine production now. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a Farm and Home Based Business for an auto repair business in the General Rural Flexible District by Shayne George, agent for Everett Muhlhausen, owner on property located in the NE ¼ of the SE ¼ of Section 11, T26N, R17W, Town of Ellsworth, Pierce County, WI. Chairperson Barkla invited Shayne George forward:

Mr. George explained they are going to buy property from Everett Muhlhausen so they can expand and move his auto repair operation out there. They have been in business for two years on South Maple. He stated he keeps a clean place with no junk piled up. He doesn’t buy or sell...
vehicles. They are usually repaired the same day or the next day. The vehicles will be repaired in the existing building. He buys most of his parts in Ellsworth. **Staff Report – Emily Lund:** Shayne George is the agent and Everett Muhlhausen is the owner of the property that Mr. George plans on purchasing 5.01 acres. The property is located in Section 11, Town of Ellsworth and is zoned General Rural Flexible. Ellsworth Town Board recommended approval of this request on 11-2-09. The Town’s rationale has been submitted and the Town Chair will speak more on that in a minute. As mentioned earlier Sec 240-36(E) allows farm and home based businesses as accessory to the single family residence and the four points are listed in the staff report. Mr. George is self-employed and has no employees. His business is currently named Maple Street Repair and he will keep the name when it moves out to the Town of Ellsworth. They are thinking about shorten the name to MSR. All work on the vehicles will be completed inside the pole shed. Equipment operated for this business: tire machine, a tire/wheel balancer, above ground hoist, welder, compressor and miscellaneous hand tools. The oil is contained in a 55 gallon drum and used for heating. Tires are recycled with GreenMan Technologies Inc from Savage Minnesota. Off-street parking per Pierce County Zoning Code Ch 240-54A requires 3 spaces per service bay for auto repair. There is one service door and the site has 4 – 5 parking spots on his property. Hours of operation are 8:00am to 6:00pm Monday through Friday, Saturday by appointment and Closed on Sunday. Pierce County has, through adoption of its comprehensive plan, signaled its intention to further the goals and objectives of Town Comprehensive Plans when considering issuance of conditional use permits. While the Town of Ellsworth has adopted a comprehensive plan, the Town did not cite any Plan provisions when indicating their support. The Town Board Chair Barry Foy is here to explain the consistency with their adopted plan. **Staff Recommendation:** Staff recommends that the Land Management Committee determine whether or not approval of this request is contrary to the public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a farm and home based business with the following conditions:

1. Any proposed advertising signs shall comply with the zoning code standards and any necessary permits secured.
2. This use shall be established within 1 year of the CUP approval. The CUP shall be renewed again in 2 years. Permit may be renewed administratively if no compliance issues arise.
3. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit.
4. A Certified Survey Map is required for review and approval of the 5 acre land division.
5. The driveway access shall be abandoned after the mobile home is removed from the site.

**Chairperson Barkla opened the public hearing.** Barry Foy, Town of Ellsworth Chairperson, stated The Town of Ellsworth Planning Commission met on the 29th of Oct. In the minutes the committee discussed any requirements from the 2009 to 2029 Comprehensive Plan that might be applicable. There is no known reference to conditional use requests in the Plan, but it was noted this request fits within the types of “Desired Businesses” that are described in Chapter 7 Economic Development where it mentions “The Town would like to see the development of specialty shops, restaurants and stores that provide the basic necessities. The Town understands that new businesses will help develop the Town’s economy, but know that many new businesses would not be able to financially survive in the rural setting of the Town of Ellsworth. The Town would like to see the development of specialty shops, restaurants and stores that provide the basic necessities. It is not vital that these businesses are located within the Town, as long as residents have access to those businesses and the businesses are able to prosper in the local economy. Objectives; Increase the local tax net and the Town is looking at businesses that provide year round employment. Even though Mr. George is self-employed there might come a time when he will take on a couple employees. **Public hearing closed.** Sanden asked if the existing pole shed has a cement floor and if there is a concern about oil getting away. Mr. George stated yes, it has in-floor heating and he has no concern about the oil. Rohl asked about the second driveway being abandoned. Town Chairperson, Barry Foy, stated the driveway was established a long
time ago to access the back side of the buildings. The Town has no problem with leaving it there. Sanden asked if striking condition #5 violates any code. Pichotta stated no. Typically we would only require the driveway be removed at the request of the Town because access is up to the Town. Sanden moved to approve the conditional use permit for a Farm and Home Based Business for an auto repair business in the General Rural Flexible District for Shayne George, agent and Everett Muhlhausen, owner with conditions #1 - #4, striking #5, due to the fact it is not found to be contrary to the public interest nor detrimental to public health, safety or the character of the surrounding area/Rohl seconded. All in favor. Passed.

Discuss take action on a request for conditional use permit renewal for an accessory residence in the Agriculture Residential District for Corrine Young, owner on property located in the NE ¼ of the SW ¼ of Section 20, T24N, R15W, Town of Maiden Rock, Pierce County, WI. Staff Report – Emily Lund: Ms Young is requesting renewal of her conditional use permit for an accessory structure. Pierce County Code §240-76(G) states that “all conditional use permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use.” The applicant received approval for this CUP on November 5, 2008. She complied with the conditions by obtaining a separate address sign and a land use permit. The applicant is asking for a renewal because the construction of the apartment above the garage is not complete, the structure needs the Town Building Inspector’s final inspection to ensure it meets the Uniform Dwelling Code and did not establish the use within 12 months of issuance of the CUP. She is asking for a 12 month extension. Staff Recommendation: Staff recommends the Land Management Committee determine whether or not this request is contrary to public interest and whether it would be detrimental or injurious to public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee renew this conditional use permit for an accessory residence with the following condition:

1. The applicant shall work with the Town of Maiden Rock building inspector to determine whether a Town building permit is needed for this remodel and addition and to have the building inspected to ensure that it meets the Uniform Dwelling Code.

Sanden asked why the apartment wasn’t completed. Ms Young stated when she started the project she got estimates. The contractors took longer and it cost more than she anticipated. She didn’t have the extra funds. Rohl moved to approve the renewal of the conditional use permit for an accessory residence for a 12 month extension for Corrine Young with condition #1 due to the fact it is not found to be contrary to the public interest nor detrimental or injurious to public health, safety or the character of the surrounding area/Sanden seconded. All in favor. Passed. Chairperson Barkla stated with the economy the way it is, we like to give consideration to folks on things not in their control.

Departmental Update and Future Agenda Items
Conditional use permit for a retreat center in Maiden Rock
December 3, 2009 there will be a meeting in the conference room at the Highway Dept for proposed changes to the FEMA Maps at 2:30pm and 6:00pm.
At this point there probably isn’t a need for the December 16th meeting.
Chairperson Barkla asked about the heliport in Oak Grove, Pichotta stated he isn’t certain if the Town has discussed this yet. Our policy states if it’s not brought back to the committee within 6 months, the applicants need to reapply.
Chairperson Barkla stated that Andy’s changed job description is finally going to be sent to Bjorkland for review.

Motion to adjourn at 7:38 pm by Sanden/Rohl seconds. All in favor. Motion carried. Respectfully submitted by S. Hartung
MINUTES - Pierce County Land Management Committee Meeting, December 2, 2009

Present: Paul Barkla, Don Rohl, Joe Fetzer and Eric Sanden.
Others: Jim Kleinhans and Shari Hartung
Absent: Jeff Holst

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

Next meeting date: There is nothing on the agenda for Dec. 16th.

Set next meeting dates: Chairperson Barkla stated keeping with the 1st and 3rd Wed of each month and setting the dates out for six months they would be Jan. 6th & 20th, Feb. 3rd & 17th, Mar. 3rd & 17th, Apr. 7th & 21st, May 5th & 19th, June 2nd & 16th. Fetzer moved to adopt the next meeting dates as stated/Rohl seconded. All in favor. Passed.

Approve Minutes: Rohl moved to approve the November 18, 2009 LMC minutes/Sanden seconded. Fetzer recused himself as he was absent from the last meeting. All in favor. Passed.

Public hearing to consider a request for a conditional use permit for a retreat center in the Agriculture Residential District for Deborah Hansen, owner on property, located in the SE ¼ of the NW ¼ of Section 19, T24N, R15W, Town of Maiden Rock, Pierce County, WI. Chairperson Barkla stated no applicant or agent is present. Kleinhans stated Ms Hansen is in Arizona and didn’t plan on being present but she has an agent. Staff Report – Jim Kleinhans: Ms Hansen contacted our office about doing retreats for writing, which is a business she has practiced in the past, and also wants to use the property for weddings and reunions. She is located in the Town of Maiden Rock which is zoned Agriculture Residential where retreats are conditionally permitted. There won’t be any overnight accommodations so lodging won’t be associated with this use. It’s mostly day use for the workshops and weddings. WI Farmland Conservancy Inc has a conservation easement on the property and it is also subject to Managed Forest Land with the exception of the 4 acres around the farmstead. The applicant indicated there are to be some retail components associated with this. She doesn’t propose any sanitary facilities. She will use satellites because there is no running water in the facility. She has a large circular driveway and an open field suitable for patron parking. Access onto 244th Street was decided in the past when a previous owner had a bed and breakfast. The Town stated they would like to see a stop sign at the driveway access to 244th Street. The property is very well maintained. The Town of Maiden Rock approved this request and the adopted Comprehensive Plan supports this request under Objectives of Economic Development; establish standards and support home-based and rural businesses, while maintaining a clean rural environment. They were also going to promote “cottage” businesses. The Plan Commission identified the Pine Creek area as a sensitive area for development with standards directed to access along 20th Ave. This is above 20th Ave but there is the Maiden Rock Legion Hall which has wedding receptions along 20th Ave. I talked with Public Health representative, Michelle Williams, about food that may be served and she stated that if it’s a licensed caterer bringing it in, there isn’t a problem. If any food is prepared and served at any of these events they would need a license. Staff Recommendation: Staff recommends the Land Management Committee determine whether or not approval of this request is contrary to the public interest and whether it would be detrimental or injurious to the public health, public safety or the character of the surrounding area. If found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a writing retreat and wedding activities with the following conditions:

1. Applicant shall secure all necessary permits and licenses from other applicable state and local agencies (Public Health, etc)
2. Activities conducted on site shall be limited to those uses identified in the applicant’s narrative.
3. A traffic control sign (stop sign) shall be placed at the driveway entrance to 244th Street. Sign...
placement should be coordinated with the Town of Maiden Rock.

4. The Land Management Department shall be notified when the use is formally established to document compliance with permit conditions.

5. Any advertising signage shall comply with county zoning code standards.

6. The CUP shall be renewed in 2 years and may be completed administratively if no complaints arise.

7. The applicant understands that expansion or intensification of this use will require modification to this CUP.

8. The use of 244th Street by the public to access the facility shall be encouraged.

When the previous owners received the CUP they had people coming up the rustic road. But it isn’t a very good route. We don’t want people to have issues getting to the site. Chairperson Barkla invited Kathleen Burk, agent for Ms Hansen forward. Ms Burk stated she is familiar with the property and Ms Hansen is asking to have her writing clinics and wedding receptions there. She has a beautiful barn that she would like to insulate and finish off inside for those purposes. She doesn’t plan any additional buildings or additions to the barn. Traffic coming in for a wedding will probably allow for 70 – 100 people and there would be adequate parking. The events would be catered, no cooking on site. There is a room over the garage that Ms Hansen thought she would make available to the bride and groom if they wanted to stay. Rohl asked about adding heat to the building. Ms Burk stated Ms Hansen spends her winters in Arizona and she doesn’t see that changing. Kleinhans asked about the retail issue. Ms Burk stated it would be writing materials for her clinics, set up in the barn. Sanden questioned whether she is planning on having cooking facilities in the barn. Ms Burk stated no, possibly just a catering kitchen with a microwave and sink if this takes off. Kleinhans stated that he talked to the architect that Deborah had contacted about looking at the building and seeing what kind of modifications need to be done. The architect stated he just did a cursory review of the building but could do a design for her if she is approved for the permit. There are some modifications that would need to be done to the building for safety - like egress and making sure the exits are marked correctly making it more like a commercial building. Chairperson Barkla asked about the deliveries for the retail supplies. Ms Burk stated the classes will probably be around 8 or 10 women and she is estimating around 20 or 30 books on hand that will be delivered by UPS. Chairperson Barkla asked about the parking on the day of a wedding reception. Ms Burk stated the barn, house and a garage are on four acres and there is a large field. Chairperson Barkla opened the public hearing. Steve Means, owner of the 40 acres adjacent to this property, asked to what degree are these events limited? Are satellites reasonable for a large number of people? Ms Burk stated in her experience, for events like this, you usually pay for them for a certain amount of time. There is a website for an existing business very similar to this and they have everything spelled out and Deb will have to do the same. Deb has talked to someone at the County about adding flush toilets to her building at some point but not at this time. Sanden asked what time of day the activities would be? Ms Burk stated generally in the afternoon after the wedding. Writing retreats are going to probably start in the morning, break for lunch and then end around 4:00pm or 5:00pm. Mr. Means asked if it is reasonable to request that the limitations described be put on the events. Chairperson Barkla stated that is what this committee will decide and that the committee has tried to always be accommodating to everyone involved. There may be some solutions to the questions you raised. Mr. Means asked if there would be opportunity to have further input. Chairperson Barkla stated we will come to a motion where there might be latitude of six or eight months of operation and then come back before this committee. At that time, a determination if there should be further conditions, would be made. Public hearing closed. Fetzer stated when having a reception, they usually go right to a dance, I don’t know the size of the building and if there will be music. Ms Burk stated one reason she retained the architect, Mr. Ferrin, was to make the building soundproof because there could be music in the building. She does own 80 acres. Fetzer also asked about alcohol. Ms Burk stated she won’t be selling it, if the caterer is providing champagne for a toast then they would have to have the license. Kleinhans stated this would be similar to the rodeo in Oak Grove. Someone else brought the alcohol in and had the license. The size of the building would be about 2000 sq ft. If there are any
noise issues, call our office so we can investigate. If we get a number of complaints we will bring Ms Hansen back before this committee to address this. Sanden asked Jim if the retail activities need to be a part of the conditions. Kleinhans stated no, because they are in her narrative. That’s why he had Kathleen elaborate on the retail part. Sanden asked about the overnight accommodations, does there need to be a designated parking place for that. Kleinhans stated she has plenty of parking area. Sanden moved to approve the conditional use permit for a retreat in the Agriculture Residential District for Deborah Hansen with conditions #1 - #8, amending condition #6 to be renewed in 1 year before the Land Management Committee and adding condition #9 Hours of operation limited from 9:00am to 10:00pm, due to the fact it is not found to be contrary to public interest nor detrimental or injurious to public health, safety or the character of the surrounding area and it is in compliance with the Town of Maiden Rock Comprehensive Plan/Fetzer seconded. All in favor. Passed.

Departmental Update and Future Agenda Items
Chris Brekken heliport will come back before the committee in Jan. The Town of Oak Grove recommended denial of the request.
A conditional use permit for a motorcross in the Town of Gilman.
Site plan approval for an appliance business in Hager City.
Kleinhans noted that tomorrow there will be a meeting in the conference room at the Highway Dept for proposed changes to the FEMA Maps at 2:30pm and 6:00pm. Also, the new shoreland rules were passed by Natural Resources and it will go to legislature in March.
Chairperson Barkla asked to have Mr. Pichotta give a summary of the expenditures on January 6th.

Motion to adjourn at 7:40 pm by Fetzer/Rohl seconded. All in favor. Motion carried. Respectfully submitted by S. Hartung