

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, April 6, 2022, in-person meeting for everyone along with the option of remote attendance.

Present: Jon Aubart, Joe Fetzer, Neil Gulbranson, and Eric Sanden

Others: Andy Pichotta, Emily Lund, Adam Adank, Anna Anderson, and Shari Koehler

Chairperson Joe Fetzer called the Pierce County Land Management Committee meeting to order at 6:00pm in the County Boardroom.

Next meeting dates: April 20th, May 4th & 18th, 2022.

Approve Minutes from the February 16, 2022 Land Management Committee meeting: **Gulbranson moved to approve the Land Management Committee minutes from February 16, 2022/Sanden seconded. All in favor. Passed.**

Chairperson Fetzer stated that before we get started, he would like to acknowledge and thank Jeff Holst for his many, many years on this committee as well as on the County Board. The County will be missing a person with a wealth of knowledge and a lot of information that came with him into these meetings.

Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Primary Agriculture District to Commercial District for Spencer Anderson, agent for Terry & Noreen Falde, owners on approximately 2.2 acres, located in part of the SE ¼ of the NW ¼ of Section 13, T27N, R17W, Town of Martell, Pierce County, WI.

Staff Report – Adam Adank: The applicant (Spencer Anderson) is requesting to rezone a 2.202 acre property from the Primary Agriculture zoning district to the Commercial zoning district in order to establish a future seed business on the property. The applicant will be purchasing the property from Terry & Noreen Falde contingent on the results of the rezone. If the rezone is approved, the applicant intends to construct a 60ft x 120ft shed on the property to store the seed. The proposed shed will have a small office space and a bathroom inside. Business equipment would consist of a flatbed trailer and one forklift. No onsite retail is proposed. The applicant will transport seed to the farmers when orders are received. The parcel is located in part of the SE ¼ of the NW ¼ of Section 13, T27N, R17W, in the Town of Martell. The 2.202 acre parcel is located on the south side of US Highway 63 directly across from the Pierce County Highway Martell Shop. The property is approximately ½ mile east of the town of Martell and approximately ½ mile west of the US Highway 63 and 29 intersection. The parcel is currently zoned Primary Agriculture. Adjacent zoning districts are Primary Agriculture and Commercial. Current land use is residential. Neighboring land uses are agricultural, commercial and residential. Pierce County Zoning Code §240-15 Purpose and Intent of Zoning Districts states: Primary Agriculture (PA) is “established to maintain, preserve and enhance prime agriculture lands historically utilized for crop production but which are not included within the Exclusive Agriculture District. This district is also intended to provide farmland owners with additional management options by allowing limited residential development but with residential density limits set so as to maintain the rural characteristics of the district”.

Commercial (C) is “established to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of nearby residential neighborhoods as well as the entire county. The purpose of the district is to provide sufficient space in appropriate locations for certain commercial and other nonresidential uses while affording protection to surrounding properties from excessive noise, traffic, drainage or other nuisance factors.”

The WI Dept of Transportation (DOT) will need to be contacted to determine if additional access approvals are required for the proposed change in the use of the driveway. An existing single-family residence is located on

the property. A single-family residence is not a permitted use on a commercially zoned property. If the rezone is approved, the house would be deemed a pre-existing nonconforming structure until the seed business is established. At that time, a change of use (to an accessory residence) permit could be issued. The applicant has indicated that he plans to remove the residence from the property. Pierce County's adopted Comprehensive Plan states: "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." The Town of Martell recommended approval of this request on 3-8-2022. They stated, "See comprehensive plan section 7.0 Economic Development Element." They referenced an objective from section 7.0 in support of the rezone that states, "support farmers and agricultural businesses to maintain/conservate quality farmland." Staff notes that several other goals and objectives from the Land Use section of the Town's Comprehensive Plan could also have been cited in support of this rezone request. The value of land for agricultural use according to the USDA Web Soil Survey is shown in the staff report. Fifty-two percent of the property is considered in Prime Farmland, 48% is not in Prime Farmland. None of the property is currently in agricultural production.

Staff Recommendation: Given that the Martell Town Board has determined that this proposed map amendment (rezone) of 2.202 acres from Primary Agriculture to Commercial is consistent with their Comprehensive Plan, staff recommends the LMC approve this map amendment (rezone) and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Chairperson Fetzer asked Spencer if he had anything to add. Mr. Anderson stated he doesn't have anything to add. Adam addressed everything and they had talked prior on what needed to be in the report. **Sanden stated given the context of the surrounding land uses and the minimal impact it would seem to have with commercial zoning across the highway surrounded by Primary Agriculture and that Martell Town Board has suggested we approve this rezone, he would move to approve the map amendment (rezone) from Primary Agriculture to Commercial District and forward a recommendation to the Pierce County Board of Supervisors/Aubart seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a Map Amendment (Rezone) from Rural Residential 20 District to General Rural Flexible District, for Island Country-Side Builders Inc, owners on approximately 1.9 acres, located on Outlot 1, Certified Survey Map (CSM), V12, P58, in part of the SE ¼ of the SE ¼ of Section 3, T24N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Emily Lund: The applicants propose to rezone 1.9 acres from Rural Residential 20 to General Rural Flexible for a proposed campground or resort. The parcel is located in Outlot 1, Section 3, in the Town of Trenton. The parcel is located on the south side of 810th St. The parcel is currently in the Rural Residential 20 zoning district. Adjacent zoning districts are Rural Residential 20, Commercial, and General Rural Flexible. Current land use is forested. Neighboring land uses are a campground and forested. Pierce County Code §240-15 Purpose and Intent of Zoning Districts, including Rural Residential 20, General Rural, and General Rural Flexible are listed in the staff report. The Pierce County Comprehensive Plan states, "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." The Town of Trenton recommended approval of this request on 3-8-2022. They supported the approval by referencing the *Town of Trenton Comprehensive Plan* and the following goals:

- Ch. 8 Land Use Goal #1: "Maintain and improve the community's quality of life."
- Ch. 8 Land Use Goal #3: "Provide for orderly development."

The value of land for agricultural use according to the USDA Web Soil survey is as follows. There is no prime farmland located on this parcel.

Staff Recommendation: Given that the Town of Trenton Board of Supervisors has recommended approval of this proposed map amendment and has determined that the request is consistent with the Town of Trenton's adopted Comprehensive Plan, staff recommends the Land Management Committee approve this map amendment

(rezone) of 1.9 acres from Rural Residential 20 to General Rural Flexible and forward a recommendation to the County Board of Supervisors.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Chairperson Fetzer asked Mr. Willgrubs if he had anything to add. Mr. Willgrubs stated it works good for him. Chairperson Fetzer asked if they would be clearing a bunch of trees. Mr. Willgrubs stated not really. **Gulbranson stated he feels this fits in very well with that area down there and moved to approve the map amendment (rezone) from Rural Residential 20 to General Rural Flexible for Island Country-Side Builders Inc, Phil Willgrubs, and forward a recommendation to the Pierce County Board of Supervisors/Sanden seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a Conditional Use Permit for a Farm & Home Based Business (sales & manufacturing of firearms & accessories) pursuant to Pierce County Code §240-36D in the Agriculture Residential District for Karen Schauer Trust, owner by Marty Shepler, agent, on property located in the NE ¼ of the NE ¼ of Section 36, T25N, R15W, Town of Union, Pierce County, WI.

Staff Report – Emily Lund: Mr. Shepler is proposing to start a business for the sale, manufacturing, and transferring of suppressors and firearms. He also proposes to sell accessories for the firearms and suppressors. Mr. Shepler owns 15.01 acres with his primary residence. His mom, Karen Schauer, owns adjoining land with a 38ft x 74ft (2,812sq ft) shed. Mr. Shepler proposes to utilize 38ft x 16ft (608sq ft) within the shed for the business office. Mr. Shepler intends to combine the land so the existing shed is on the same parcel as his principal residence. Mr. Shepler is working with Loberg Law Office to establish an LLC business called Shep's Suppressors LLC. This business is overseen by the Bureau of Alcohol, Tobacco, and Firearms (BATF). Mr. Shepler has applied for a Federal Firearms License, which is necessary for conducting this type of business. Per federal regulations, firearms being transferred must be shipped amongst dealers holding an active FFL dealer's license to fulfill tracking and backgrounding requirements prior to delivery to the customer. The property is located in Section 36, Town of Union. The property is zoned Agriculture Residential. Pierce County Code §240-36D permits Farm & Home Based Businesses accessory to permitted single-family residences upon issuance of a conditional use permit in agricultural districts, 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 business shall occupy no more than 50% of the dwelling unit. If located in an accessory building, the farm and home 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 §240-76 shall apply.

The applicants obtained a land use permit on 8/31/2021 for a 38ft x 74ft (2,812sq ft) shed for agricultural use. They want to utilize 38ft x 16ft (608sq ft) within the shed for the business office. No new structures are proposed with this request. The applicant does not anticipate any employees at this time. Adjacent zoning districts are Agriculture Residential and Pepin County is to the east. Adjacent land uses include agriculture and low density residential. Lot access is located east of 20th Street. Business equipment includes a computer, scanner, finger print scanner, camera, security system, safes, general office supplies, BATF forms, and specialized tools for use with suppressors and firearms. The applicant utilizes a gun safe for storage of firearms and suppressors. Hours of operation are proposed to be 10AM – 2PM, Monday through Thursday, or by appointment. Sales are conducted over the phone, on-line, or in-person. Pierce County Code §240-54 establishes parking requirements for retail establishments and requires a minimum of one off-street parking space per 200 feet of primary floor area. A minimum of one parking stall shall be ADA compliant. There is ample room on the premises to fulfill parking requirements. A restroom is available within the existing residence that is served by a mound septic system. Durand Sanitation provides solid waste removal and disposal services to this property. The applicant is not interested in any signage associated with the business at this time. The Union Town Board recommended approval of this request on 3-14-2022. This CUP shall expire 12 months from the date of issuance if no action has commenced to establish the use.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location would be contrary to the public interest, detrimental or injurious to the public health,

public safety or character of the surrounding area. If found to be not contrary to the above, staff recommends the LMC approve the proposed Farm & Home Based Business with the following conditions:

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. Within 12 months of the CUP approval, the applicants shall combine the land so the existing shed is combined with the principal residence.
3. The business shall be conducted by the owner of the dwelling unit.
4. There shall be at least one off-street customer parking space. A minimum of one parking stall shall be ADA compliant.
5. The applicant shall maintain all necessary federal and state firearm dealers' licenses.
6. Hours of operation shall be Monday through Thursday from 10:00am – 2:00pm.
7. 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.
8. This conditional use permit shall be renewed every two years. Permit may be renewed administratively if no compliance issues arise.

Chairperson Fetzer opened the hearing to the public. No public comment. **Chairperson Fetzer closed the public hearing.** Chairperson Fetzer asked Mr. Shepler if he would like to add anything. Mr. Shepler stated he thinks Emily covered it. Gulbranson asked Marty if he is OK with condition #2 about combining the properties. Mr. Shepler stated yes, he already started that process. They had put it in the trust when he first bought it and they are just getting land back. Sanden asked what is a suppressor? Mr. Shepler stated it's a silencer, that is what Hollywood would call it. A suppressor is like a muffler, like if your call is really loud; you put a suppressor on it and it knocks the noise down on a firearm. It makes it safe for hearing. Aubart questioned condition #6, just for clarification on hours of operation. Restricted from 10am to 2pm and up above it says or by appointment. Can we add that to condition #6. **Sanden moved to approve the conditional use permit for a Farm & Home Based Business for sales and manufacturing of firearms and accessories for Marty Shepler, agent for Karen Schauer Trust, owner, due to the fact this is not contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #8, amending condition #6 to add "or by appointment"/Aubart seconded. All in favor. Passed.**

Discuss take action on potential code amendments to Pierce County Code Sec. 191-13 Filing requirements for soil and site evaluation reports. Staff Report – Emily Lund: The WI Department of Safety and Professional Services (DPS) amended Ch SPS 385 Soil and Site Evaluations. Pierce County Code §119-13 needs to be amended to reflect changes with the state code. SPS 385 previously referenced the "Perk Tests." Perk Tests used to be performed by a Perk Tester that submitted reports on EH 115 Perk Test forms. This process measured the percolation or "perk" rate that the water infiltrated into the ground. The state believes this is good information, but it doesn't evaluate the site and soils enough. When designing or evaluating a septic system today, a "Soil Tester" is required to meet the standards outlined in SPS 385. Soil Tests are performed by a WI Certified Soil Tester. The site is evaluated for slopes, landscape position, and more. DPS is allowing supplemental information to be submitted if an EH 115 perk test form was used to design an existing septic system and recommends the following:

- a single boring for tank replacements, system repairs, or reconnections: and,
- three borings for a dispersal cell installation or replacement.

However, if an EH 115 perk test form was completed on a site, submitted to the Department, and a septic system was not permitted and installed, the EH 115 perk test form is considered obsolete and cannot be used to design a septic system. A new soil test will be required to the standards in SPS 385. Relevant sections of the existing code Pierce County Code §191-13C, §191-13D are listed in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee review the proposed language, and if appropriate, direct staff to schedule a public hearing to consider adoption.

Lund stated basically we can't dump water in holes anymore, we have to visually look at it. Our code is getting caught up with that. Sanden asked if the perk test is still part of it, just to landscape, slopes position. Lund stated no, its good information but we don't go out and do that. Sanden agreed that this is long overdue. Gulbranson stated we have to match the State Code anyway. **Gulbranson moved to approve the potential code amendment and hold a public hearing/Sanden seconded. All in favor. Passed.**

Discuss take action to authorize staff to apply for and receive a Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Grant to Assist in Farmland Preservation Planning. Staff Report – Andy Pichotta: As some of you may recall, we last did an update, actually we redid our Farmland Preservation Plan in 2012. At that time we got a similar grant to offset staff costs. They are offering that again. We have until the end of next year to complete our update. We could request an extension if we need, but he doesn't see that we will need more time. Pierce County is eligible for up to 50% of the cost to prepare a farmland preservation plan, up to a maximum of \$30,000. A grant recipient must enter into a grant contract with DATCP in order to receive grant funds. Eligible cost may include county staff costs, consultant fees and related expenses. Again, he anticipates that most of the costs will be offset staff time which will include a lot of mapping by Kevin. **Staff Recommendation:** Staff recommends the Land Management Committee authorize staff to apply for, and receive, a Farmland Preservation Planning Grant from DATCP.

Chairperson Fetzer stated anytime you can get some grants, that is the way to go. How much was the last grant? Pichotta stated \$30,000. **Aubart moved to approve staff to apply for and receive a Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) Grant for Farmland Preservation Planning/Sanden seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated he has no travel/training request for you tonight.

Departmental Update and Future Agenda Items

Pichotta stated our next agenda will have election of officers because it will be the first meeting following the organizational meeting of the County Board. We have a request for a rule exception to the one-acre minimum lot size for an existing platted lot in the Town of Diamond Bluff for Valhalla Point LLC. We have potential modification of a conditional use permit for Mark Walinske, Nature Based Operation in the Town of El Paso. It's basically the trout fishing school, they want to tweak a couple of their conditions that weren't quite broad enough to accommodate what they would actually like to do now that they are up and operating. His question for you is, given that we are scheduled to meet the day after the organizational meeting, would it make sense to do it two weeks after that or should we just carry on with the meeting right after the County Board organizational meeting. We will certainly see some change in membership. Aubart asked if it would be more beneficial, more items if we waited. Pichotta stated there certainly may. It wouldn't be April 20th, it would be May 4th. Gulbranson stated if a new person gets on they would have time to come in and talk to you and get a little foundation. Pichotta agreed. Those will be the next agenda items for our May 4th meeting. Chairperson Fetzer stated just a heads up that's a bad time for me. Sanden stated he has a conflict with May 4th. Consensus that the next meeting date will be May 18th.

Motion to adjourn at 6:36pm by Gulbranson/Sanden seconded. Motion passed.

Respectfully submitted by S. Koehler