

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
PLANNING, ZONING, SURVEYING & GIS
414 W. Main Street P.O. BOX 647
Ellsworth, Wisconsin 54011
715-273-6746 OR 715-273-6747
Fax: 715-273-6864



MINUTES - Pierce County Land Management Committee Meeting, May 18, 2022, in-person meeting for everyone along with the option of remote attendance.

Present: Jon Aubart, Neil Gulbranson, Dan Puhmann, and Eric Sanden

Others: Andy Pichotta, Brad Roy, Emily Lund, and Shari Koehler

Acting Chairperson Jon Aubart called the Pierce County Land Management Committee meeting to order at 6:00pm in the County Boardroom.

Next meeting dates: June 1st & 15th, July 6th & 20th, 2022.

Acting Chairperson Jon Aubart opened nominations for Temporary Chairperson. Gulbranson nominated Jon Aubart for Temporary Chairperson. Gulbranson moved to close nominations and cast a unanimous ballot/Sanden seconded. All in favor. Passed.

Temporary Chairperson Aubart opened nominations for Committee Chairperson. Gulbranson nominated Joe Fetzer as Chairperson. Gulbranson moved to close nominations and cast a unanimous ballot/Sanden seconded. All in favor. Passed.

Chairperson Aubart opened nominations for Vice-Chairperson. Puhmann nominated Jon Aubart for Vice-Chairperson. Puhmann moved to close nominations and cast a unanimous ballot/Sanden seconded. All in favor. Passed.

Approve Minutes from the April 6, 2022 Land Management Committee meeting: **Gulbranson moved to approve the Land Management Committee minutes from April 6, 2022/Sanden seconded. All in favor. Passed.**

Public hearing to consider and take action on a potential code amendment to Pierce County Code Section 191-13 Filing requirements for soil and site evaluation reports.

Staff Report – Emily Lund: This is a request for code amendments to Pierce County Code §191-13 Filing requirements for soil and site evaluation reports. This request was previously discussed at the 4/6/2022 LMC meeting. At that time, staff was directed to schedule a public hearing to review the proposed revisions, solicit public comments, and consider adoption. The WI Department of Safety and Professional Services (DSPS) amended Ch. SPS 385 Soil and Site Evaluations. Pierce County Code §191-13 needs to be amended to reflect changes with the state code. SPS 385 previously referenced “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 of “perk” rate that the water infiltrated into the ground. The state believes this is good information, but that it doesn’t sufficiently evaluate the site and soils. When designing or evaluating a septic system today, a “Soil Test” 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. DSPS 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 are listed in the staff report in §191-13C & §191-13D. To be consistent with SPS 385, staff is proposing the following amendments:

- PCC § 191-13C states, “Perc test reports (EH 115 forms) that accompany an existing sanitary permit ~~on file for~~ perc tests performed after June 21, 1980, will require a single boring for tank replacements, system repairs, or reconnections and three borings for a dispersal cell installation or replacement, be allowed to be used for the permitting of a soil absorption system, provided adequate information is available to design a POWTS that will meet current code standards.”
- PCC § 191-13D states, “~~Perc tests submitted before June 21, 1980, will require a complete soil and site evaluation by a certified soil tester.~~”

Staff Recommendation: Staff recommends the Land Management Committee review the proposed revisions, consider any public comment, and if appropriate, approve said revisions and forward a recommendation to the Finance and Personnel Committee and the County Board of Supervisors.

Chairperson Aubart opened the hearing to the public. No public comment. **Chairperson Aubart closed the public hearing.** Gulbranson asked if the people that used to do the perk test can now do the soil test? Or is that somebody different that does that, plumbers? Lund stated they aren’t grandfathered in they would have to go through the same schooling that a soil tester is required to.

Gulbranson moved to approve the proposed code amendments to §191-13 and forward a recommendation to Finance and Personnel and then to the County Board of Supervisors/Puhrmann seconded. All in favor. Passed.

Discuss take action on a request for a rule exception for Valhalla Point LLC, to Pierce County Code §237-26A, Area and dimension 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 rights-of-way or easements. Lots 2 & 4, Monte Diamond Addition, Town of Diamond Bluff, Pierce County, WI.

Staff Report – Emily Lund: Valhalla Point LLC owns two adjoining parcels 004-01065-0800 and 004-01065-0900. These parcels were created in 1854 by the platted subdivision called Monte Diamond Addition. The applicants want to adjust the center, shared lot line and move it to the southeast side of their shed. The minimum lot size is 1-acre per PCC §237-26A. However, both of the parcels before and after the proposed changes are less than 1-acre and cannot meet the 1-acre minimum lot size requirement. The parcel is located in section 13, Town of Diamond Bluff. The parcels are zoned Rural Residential 20. Pierce County Code (PCC) §237-26A 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 rights-of-way or easements.” Pierce County Code §237-30 regarding the Rule Exceptions 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.”

Pierce County Code §237-3 regarding Purpose and Intent states, “The purpose and intent of this chapter are to advise and regulate the division of land in Pierce County, Wisconsin, to promote public health, safety, aesthetics and general welfare, along with A – J which are listed in the staff report. Alternatives to requesting this Rule Exception:

1. Do nothing and keep the parcels as they are currently described.

Staff Recommendation: Staff recommends the Land Management Committee to consider whether or not this situation results in undue difficulties and warrants a rule exception.

Sanden asked if the southeastern lot, before it was changed, was that less than an acre? Puhrmann asked what is the benefit of moving this line? Lucia Bell stated the lot to the north that is her Dad’s he bought in 1966 so they have had those two parcels. The one to the left to that and the one that we are discussing the lot line, those two parcels her dad bought in the 60’s. Recently the new one with the house, her brother bought that. The two small parcels are in a three-family, they have it in a trust. Eventually when their generation leaves, it goes to the next

generation, then if the next generation can't come to terms, it's not of value, no one can sell it and they have it in the trust that it will be donated as a park. The other side of the road they own the riverside as well. They built an out building and they want that to go with the three families and her brother that owns the house, owns that parcel. It's just moving the lot line to assume the out building with the three families. Also, the lot line does go through a trailer house that has been there since the 60's. It's a pretty small lot, that particular one. That is the reasoning behind it. **Sanden moved to approve this rule exception to the one-acre minimum lot size requirement, finding that adherence to it would cause undue difficulty for the applicant/Gulbranson seconded. All in favor. Passed.**

Discuss take action on a potential modification to a Conditional Use Permit/Nature Based Operation for M+L Real Estate Holdings, LLC, Mark Walinske, owner, on property located in the SW ¼ of the SE ¼ of Section 33, T26N, R16W, Town of El Paso, Pierce County, WI.

Staff Report – Brad Roy: The applicants received a CUP for a year-round beginner fly fishing school and gathering place to be called 'margo+lola' in the spring of 2021. The fly-fishing school focuses on first time fly fishers, inspires women to fly fish, and hosts half or full-day classes with a small student to teacher ratio. The gathering place is for small group team meetings to learn fly fishing basics and the hosting of off-season events. The school offers dry land casting instruction, "wet" instruction in the river during the WI DNR fishing seasons, and off-season activities with guest speakers and events, like fly tying. The school anticipates 3-6 students/class for half or full-day instruction up to 12 times/month. They propose 1-2 group gatherings/month with 6-10 people/event. Students are required to obtain their own WI DNR fishing license prior to classes or events. Fishing season hours will comply with WI DNR regulations. Hours of operation are proposed to be year-round with non-fishing activities held 10AM – 7PM. The original application stated that four structures were to be constructed and Building 2 was to be for fishing instructor sleeping accommodations and for family on rare occasions. The existing conditions are listed #1 - #12 in the staff report. After starting the business and taking reservations, the applicant is requesting a few modifications to the permit:

- 10AM – 4PM November – March and 8AM – 7PM April – October. The rationale is because the daylight availability and, length of our classes. **(Condition #9)**
- Allow school students to use Building 2 for sleeping accommodations, along with instructors and family. **(Condition #1)** His rationale was the daylight hours.

Condition #1 required the applicant to follow the proposal outlined in the application. The original proposal stated that Building 2 would only be used for instructor and family. Staff contacted the Town of El Paso Chairperson regarding this modification, he did not have any concerns about the proposed modifications.

Staff Recommendation: Staff recommends the Land Management Committee consider the proposed modifications to determine if they would change the previous finding that the use is not contrary to the public interest nor is it detrimental or injurious to public health and safety. If the proposed modifications would not impact the prior finding, staff recommends the Land Management Committee approve this conditional use permit for a Nature Based Operation – Beginner Fly Fishing School and Gathering Place with the following modified conditions #1 - #13, with modifications to #9 and adding condition #13.

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. Actions to establish the use shall commence within 12 months.
3. Applicants shall hire a Wisconsin Licensed Master Plumber to obtain a State Sanitary Permit for an adequate, code-compliant, on-site septic system.
4. Applicants shall obtain a Land Use Permit for all future structures or signs prior to construction or installation.
5. The applicant shall obtain written driveway access approval from the Town of El Paso prior to connecting a driveway access to the road.
6. The applicant shall obtain a Uniform Address Number (UAN) and sign for this property.
7. The advertising sign shall be no larger than 3ft x 5ft and located out of the Town Road right-of-way, or at least 33ft from the centerline of the 400th street.
8. At least 6 off-street parking spaces and a minimum of one ADA compliant parking spot shall be provided onsite.
9. **Hours of operation shall be year-round with non-fishing activities held Monday – Sunday from 10AM – 4PM November through March and 8AM – 7PM April through October.**

10. Sale of retail items shall be limited to fly fishing supplies and business promotional products.
11. 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.
12. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
13. **Building 2 may be used by school students, instructors, and owner's family.**

Mr. Walinske stated that he checked with his neighbors to see if they were OK with the change and provided Brad with a copy of emails from his neighbors. He wants to be a good citizen in the neighborhood. Sanden asked Brad, this has been in operation for a year now, have we received any complaints? Roy stated we have not, although he doesn't know the extent of operation that has taken place. Mr. Walinske stated he has not received one complaint and he has received lots of accolades that the school is going quite well. We've had about fifty students through, ten from Pierce County. He noted that they have a Pierce County rate so come on down. It's actually going a little bit better than he would have thought earlier on and he is super excited by that. Everybody has caught fish so he's heard no complaints about that. Fishing and catching are two different things. **Gulbranson moved to approve the modification to the Conditional Use Permit for a Nature Based Operation/Fly Fishing School with conditions #1 - #13, amending condition #9 to read "Hours of operation shall be year-round with non-fishing activities held Monday – Sunday from 10AM – 4PM November through March and 8AM – 7PM April through October" and adding condition #13 "Building 2 may be used by school students, instructors, and owner's family."/**Sanden seconded. All in favor. Passed.

Discuss take action on renewal of a Conditional Use Permit for Simanski Metals LLC (Transfer Station) pursuant to Pierce County Code Chapter §240-76, in the Commercial District on property located on Lot 2, Certified Survey Map (CSM) V14, P28, in the SW ¼ of the SE ¼ of Section 35, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Brad Roy: The Conditional Use Permit for a Light Industrial Use for a transfer station was modified on July 21, 2021. The modification was a result of Simanski Metals purchasing the property and taking over the permit from Redeye Express. Simanski Metals provides containers (roll-offs or trailers) to customers primarily for scrap metal and some demolition material. The containers are delivered to the customers site. When the containers are filled they are removed and delivered to an appropriate disposal site. The site has an existing building which is used for an office, storage and truck storage/maintenance. The outside area is used to store containers and trailers. Rarely a full container will be brought to the property to be stored for a day or two, until it can be delivered to a disposal site. The site is not open to the public or customers. The applicants intend to construct an additional structure for combining of partial loads indoors. The LMC required that the applicants present a Screening plan to the LMC, which was presented on August 18, 2021. The LMC required that the applicants plant a Blue Spruce or Norway Spruce every 20 feet, on the 350 feet of frontage, total of 18 trees and to have them established by the end of October 2022. Surrounding land uses include agriculture to the north, east, and south, and commercial uses to the southwest and west. The existing building is 56ft x 89ft used for storage. It also has an attached 30ft x 18ft entry that is used as an office, break room, kitchenette, restrooms, and mechanical room. Days of operation are Monday thru Saturday (Saturdays are occasional). Hours are generally 6am – 6pm. There are 4 roll-off trucks and 2 semi tractors. Trucks leave the site around 6am each work day and return later in the afternoon. Some days trucks may need to pick up empty boxes from the site to deliver midday, but generally they are gone for the day. The trucks are started and allowed to idle inside the building before leaving the site. Currently there are 5 employees. Any issues with dust would be corrected with chloride application. Access to the site is north of 170th Avenue through a shared driveway easement. The applicants estimate that there will be approximately 10 assorted trailers and 30 to 40 roll-off containers on the site. Amounts will vary depending on the season and market. The required screening was planted last fall. The applicants worked with the DOT regarding the vegetation and the right-of-way. There is a gas line that runs through the property, so the applicants could not plant the required 18 trees along US Hwy 63. The applicants still planted 18 trees but planted some along the north property line. Staff has not received any complaints about the property. The Town of Trenton was notified about this renewal request and indicated that they have received complaints/concerns over the appearance of the property. The existing conditions are listed #1 through #8 in the staff report.

Staff Recommendations: Staff recommends the Land Management Committee determine whether existing conditions continue to be adequate to protect the public health, public safety and character of the surrounding

area. If existing conditions are found to be sufficient, staff recommends the LMC renew the CUP for this existing use with the following conditions:

1. Activities shall be conducted as submitted in the narrative provided and as presented to the LMC, unless modified by another condition of this CUP.
2. The days of operation shall be Monday through Saturday.
3. Combining of partial loads shall be conducted indoors.
4. Screening shall be implemented as specified by the LMC.
5. The applicant shall provide proof of insurance (dec page).
6. Applicant understands that expansion or intensification of this use will require modification to this permit or potentially, issuance of a new conditional use permit.
7. This CUP shall expire in two years; the owner/operator is responsible for requesting renewal. Renewal can be completed administratively if no compliance issues arise.

The only proposed changes are to condition #4, Screening shall be implemented as specified by the LMC, making sure the trees don't die, and we removed condition #8 about the required screening and modified condition #7 to state this CUP shall expire in two years, the owner/operator is responsible for requesting renewal. Renewal can be completed administratively if no compliance issues arise. Puhmann asked what kind of complaints have been received or do we know anything about the Town of Trenton reported issues? He tried to call Brian Berg but didn't get a response. Roy stated all they have heard is that the concern is regarding the appearance of the property. We as staff have not received any complaints. **Sanden moved to approve this renewal of the Conditional Use Permit for Simanski Metals with conditions #1 - #7 /Gulbranson seconded. All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Pichotta stated there are no public hearings scheduled for the next meeting. He would propose to not meet on June 1st but to have our next meeting be the second meeting in June. At that point we will have some renewals that need to be taken care of and also there is a chance to get a few more things on the agenda. We are also hoping to not meet right after the 4th of July and have only one meeting in July that being the 20th. But if we get a public hearing request we will need to hold a meeting. Otherwise we are going to try and group things. Aubart stated so once a month instead of twice a month. As it stands right now, June 15th will be the next meeting.

Motion to adjourn at 6:32pm by Sanden/Puhmann seconded. Motion passed.

Respectfully submitted by S. Koehler