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**DEPARTMENT OF LAND MANAGEMENT & RECORDS**  
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MINUTES - Pierce County Land Management Committee Meeting, November 2, 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, Adam Adank, Emily Lund, and Shari Koehler

Absent: Joe Fetzer

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

Next meeting dates: November 16<sup>th</sup>, December 7<sup>th</sup> & 21<sup>st</sup>, all in 2022.

Approve Minutes from the October 19, 2022 Land Management Committee meeting: **Gulbranson moved to approve the Land Management Committee minutes from October 19, 2022/Puhmann seconded. All in favor. Passed.**

**Public hearing to consider and take action on a request for a conditional use permit for Tree Removal in the Kinnickinnic River Bluffland Area in the General Rural Flexible 8 District by Ross Wegge, agent for John Armstrong & Jo Ann Lincoln, owners, on property located on Lot 24 of Hidden Hills of the Kinni Phase 2, in the NE ¼ of the SE ¼ of Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.**

**Staff Report – Adam Adank:** The applicants are applying for an after-the-fact CUP for tree removal that has already taken place on the property. Earlier this summer, the applicant started working with JCE Tree Service and Prairie Restorations, Inc. on tree removal and restoration activities within the Kinnickinnic River Bluffline setback. The applicant was notified that a CUP was required for these types of activities and has since halted all tree removal and restoration activities. Additional tree removal is also being requested as part of this CUP request. Land Management and Land Conservation staff visited the site earlier in the year after being informed of the unpermitted tree cutting. At that time Rod Webb, Land Conservation Director, recommended short term erosion control measures until the proper permits were obtained. The applicant has implemented those measures to the satisfaction of Mr. Webb. On 9/29/1998, Pierce County Zoning Code amendments were adopted relating to the Kinnickinnic River Blufflands. The code amendments established a minimum lot width, bluffline setback for structures, and required CUP approval for tree removal and/or filling and grading activity within the bluffline setback. This parcel is 7.16 acres and is located in the Town of Clifton. Pierce County Code (PCC) §240-45F states, “Removal of trees from bluff faces and/or within the bluffline setback, other than the clearing of downed/diseased timber or as part of a permitted or conditional use activity, shall require a conditional use permit.” PCC §240-86A states, “After-the-fact conditional use situation. If a building or structure or premises is used to establish a use which by this chapter requires issuance of a conditional use permit without a conditional use permit first being obtained, the responsible party may attempt to correct the violation by applying for a conditional use permit for the unauthorized use.” The applicant has submitted photos and a map where he separated the bluffline area into 5 zones (Exhibit A). All five zones have had some degree of tree cutting that has already taken place. Most of the tree cutting has been select cutting. However, a clear-cut area has taken place in Zone 1 as shown on the map. Two rows of coconut logs and silt fence are in place as a protective measure against erosion. Vegetation has covered the soil in the clear-cut area. The applicant has also submitted a writeup describing the current conditions of the trees and the proposed tree removal plan in each zone (Exhibit B). The writeup breaks down the number of trees in each zone based on species. The maximum and minimum diameter of each tree species along with the average diameter of each tree species is also shown within each zone. The additional tree removal is being requested in order to continue removing invasive species and thinning the forest. The goal is to restore the bluff/hillside to an oak savanna as described in the landscape plans

submitted by Prairie Restorations Inc which is Exhibit C in the staff report. The Town of Clifton recommended approval of this request on 10-4-2022 with the following recommendations and corrective actions to consider.

Recommendations:

- Identify invasive species and removal process
- Professional erosion control plan to be approved by Pierce County Land Conservation.
- Identify trees 4 inch or greater for select removal/logging while maintaining erosion control.
- Identify if there is a need to plant new trees to replace any removed/logged trees.

Corrective actions to consider:

- Plant diverse assortment of native trees as recommended by Pierce County UW Extension Arborist.
- Need recommendation from Arborist on best method of replacing twenty-five 4 inch or greater trees removed.

Land Management staff reached out to Rod Webb, Pierce County Land Conservation Director for input on the project including the town's recommendations/corrective measures. The questions asked and answers received are:

Question 1: "Do you think the erosion control actions described in the attached CUP application are adequate?"

Answer 1: Rod stated, I visited the site earlier this year, after concerns regarding activities within the Kinni slope preservation areas were brought to my attention so I am familiar with the site. The plans describing the process to establish a native prairie on the site appear to be adequate. I still recommend that the grass buffer (existing alfalfa/grass cover) in between the building site and the wooded area that was cleared or is planned to be cleared should remain to provide additional erosion control. Once the area within the slope preservation zone is established with native prairie, then the buffer area could be seeded to prairie."

Question 2: The applicant is not proposing to plant any new trees. Could you describe the pros vs cons of planting replacement trees (town recommendation) vs native plantings (applicant recommendation) described by Prairie Restorations Inc."

Answer 2: "Planting scattered trees would provide some erosion control several years into the future when they develop a sizeable crown to reduce rainfall impact, the prairie planting will be much quicker erosion protection (still will be a couple of years before it is effective)."

Question 3: "If an assortment of native trees were required, would that be a detriment to the ultimate project goal of the applicant (Oak Savanna)?"

Answer 3: "Planting an assortment of native trees may negatively effect the establishment of the prairie, depending on the size and species and may not necessarily assist in soil and water protection. If the trees are intended to provide a visual barrier in the future, incorporation of species that naturally co-exist with prairies could be used."

Question 4: "If replacement trees are required, what is the best method to replace those trees and does the size of the replacement trees have a direct impact from an erosion standpoint?"

Answer 4: "From an erosion standpoint, my concerns with planting large trees (using a tree spade mounted on a truck or similar) may cause significant soil compaction which would increase runoff potential. If trees are required, I recommend hand planting of root ball sized trees on the steep slopes to prevent heavy equipment further damaging the soil surface."

The applicant does not propose to plant any additional trees to replace the trees already removed. Three similar projects were approved by the Land Management Committee back in 2007 for tree cutting in the Kinnickinnic River Blufflands. These projects were seeking to cut trees (many of which were exotic or invasive) from these sites to open them up to better sunlight penetration and restore the native prairie and oak savannah communities. Project properties are listed in the staff report.

**Staff Recommendation:** Staff recommends the Land Management Committee consider the above and determine whether the proposed conditionally permitted activity (Tree Removal) at the proposed location would be contrary to the public interest, or detrimental or injurious to public health, safety, or character of the area. If found to be not contrary to the above, staff recommends the LMC approve this conditional use permit with the following conditions:

1. All tree removal activities and initial seeding shall be completed within 12 months of CUP approval.

2. Activities shall be conducted as submitted in the application and as presented to the LMC. If plans are modified, the applicant shall go back to the Town for review and back to the LMC for reconsideration.
3. Best management practices shall be utilized to control excessive ground disturbance.
4. Applicants shall address any erosion control issues to the satisfaction of the Pierce County Land Conservation Department, including retaining the alfalfa/grass strip until vegetation on bluff face areas are adequately established.
5. Staff shall be notified once tree removal and planting has been completed to verify permit compliance.
6. \_\_\_\_\_ (#) replacement trees shall be hand planted. Applicant shall consult with UW-Extension arborist to determine the appropriate size and species of trees and with the Pierce County Land Conservation Department on the manner and timing of the planting. Staff shall be provided a copy of said recommendations prior to planting.

Chairperson Aubart asked Mr. Wegge if he had anything else to add. Wegge stated nothing at point.

Chairperson Aubart asked if the committee had any questions. Adank noted that he handed out an email from our Horticulture Outreach Specialist, as we don't have an Arborist at the County. Diana Alfuth provided input/her thoughts on the Town's recommendations. **Chairperson Aubart opened the hearing to the public.** No public comment. **Chairperson Aubart declared the public hearing closed.** Sanden asked for clarification on Exhibit A & Exhibit B. Is all the clearing in zone 1 already done or will there be additional? Mr. Wegge stated there will be continued thinning of trees in zone 1, mainly in the area south or below the blue marked area that says cleared area. He does not have any intentions of doing any clear cutting where everything in this area gets wiped down to the ground. There may be an area in zone 4 & 3, possibly 2 where you are thinning out so much windfall and busted up trees that it might look like a clear cut but he is not removing erect, standing, healthy, trees. Sanden stated would you mind kind of generalizing your plans in all of these different 5 zones? It looks like you are mainly removing Buckthorn, Box Elder, maybe some Elm or Ash. Is that a correct characterization and in addition anything that may be damaged or windblown or something like that? Mr. Wegge stated there are some species that he would interpret are undesirable that are erect. There is a couple, for instance in the southern portion of Zone 1, there are some tall Aspen, one of them just blew over a few days ago. There is another one with some fungus on the trunk. That one is probably going to go or it's just going to fall. So he intends to leave a lot of the mature trees, even if it's a Basswood that's close to an Oak Savannah. There will be numerous Iron Wood, Box Elder that are still standing in Zone 1 that will be thinned out. Within Zone 1, there is an area that is so steep, about that 870 mark and further down to 850. It's so steep there that he will have to hand clear Buckthorn himself and there are some very large mature Pin Oak on that hill that will not be removed. Sanden asked if in the woodland area, if his intention is to just thin it out and maintain it as a woodland or are you trying to convert it actively into like an Oak Savannah? Mr. Wegge explained in Zone 2, right about where Zone 1 meets Zone 2, it transitions from a Pin Oak forest into a Burr Oak forest. It is quite overgrown in Zone 2. In Zone 2 specifically what he is looking to do is thin it. Thin the Burr Oak where there is a lot of pole timber of 4 inches or less of Burr Oak. He would like to thin those out. He has a lot of clusters of three or four. Within that cluster he would remove one maybe two of the trunks. He thinks it would be safe to say that in this Zone 2, where you see the reference here where there is 36 Burr Oak and 21 Pin Oak, he thinks a third of those would go away. What would be implemented would be a native forbs or grass like Little Blue Stem or Big Blue Stem Indian Grass, native vegetation, mainly grasses and forbs that would be put in there by Prairie Restoration and maintained by them for five years. Sanden said you are probably aware that the growth habit of Burr Oak, if it is in a woodland setting, it is tall and straight. When you thin it out, it is going to have a tendency to branch out, so you are probably going to end up with the same overall coverage with even fewer trees. Mr. Wegge stated correct. Sanden asked if he was OK with that? Mr. Wegge stated absolutely, there is a beautiful example of one in Zone 1, close to Zone 2, where it is just this massive four or five trunks and it's spread way out. You can tell that was there when they were zipping these fields for the first time. Gulbranson asked so it's clear, we are not worried about the aesthetics or the visual beauty of the valley, we are worried about the soil preservation, is that correct? Pichotta stated that is his interpretation of what the code says. There is no reference to aesthetics. Basically, the Town of Clifton feels that this should have more of a visual component to it and may actually propose some changes that bring that to fruition but he would agree with your assessment. Gulbranson asked is it a possibility that some people are thinking with the St. Croix Riverway and this are the same and they are not? Pichotta stated yes, that is possible. Gulbranson asked about condition #6, where there is a spot here that we could ask for replacement of trees, that might even go against the prairie

restoration efforts. Pichotta stated he would agree. Based on the input we received from Rod Webb and Diana Alfuth, he would say that to require the planting of trees probably would negatively impact the reestablishment of the Oak Savannah. It may not make sense to require the planting of any trees. Gulbranson stated we would be going against what Clifton Town is asking for, at least that's how he interprets. Pichotta stated that is true but ultimately this committee and department is responsible for the administration of this code. It is not unusual to have disagreements as to how code ought to be administered. Adank stated also one of Clifton's recommendations was to identify if there is a need to plant new trees to replace any logged/removed trees. So that was one of the things they requested that we look into. Gulbranson stated there is no plans for you to plant anymore trees. Mr. Wegge stated he has no intentions of planting any trees in the woodland sloped area. In the alfalfa field there will be a lot of trees planted, including some Burr Oak, because the alfalfa field will be restored to a tall grass prairie as well. Gulbranson stated just talking here, he is leaning to approve everything but not condition #6. Sanden agreed. Given the goals of the project and the intent of the code to maintain soil erosion or restrict it. Gulbranson stated if they are talking in the future of getting some aesthetics or visual beauty in that area they might have to change their plan. The plan should be changed he guesses. Pichotta asked do you mean the town? Gulbranson stated the Kinnickinnic Watershed Plan. Pichotta stated it wouldn't be the Kinni plan that was amended, the Town would basically propose changes to the portion of the code relating to Kinni bluff lands. Ultimately, Land Management Committee and the County Board would have to sign off on it. Sanden asked if the Town cited any Comprehensive Plan issues. Pichotta stated they did not. Mr. Wegge stated that some of those other exhibits that he handed out are examples of other projects that have occurred within the canyon. One notable is the Erickson site, he can see it from their lot and it's beautiful, it's great. It needs to be burned and managed but it looks great. **Sanden moved to approve the conditional use permit for tree removal in the Kinnickinnic River Bluffland Area for Ross Wegge, agent for John Armstrong & Jo Ann Lincoln, owners, 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 - #5, striking condition #6/Gulbranson seconded. All in favor. Passed.**

**Public hearing to consider and take action on a request for a conditional use permit for a Nursery in the Primary Agriculture District for James & Carrie Larson, owners on property located in the NE ¼ of the NE ¼ of Section 3, T26N, R17W, Town of Ellsworth, Pierce County, WI.**

**Staff Report – Emily Lund:** The applicants built a greenhouse earlier this year, where they grew and sold annual flowers, vegetable plants, planted containers, and potting soil. The applicants were not aware a permit was necessary for the structures and advertising signs for their new nursery business called “Sunflowers on 63.” The property is located in Section 3, Town of Ellsworth. The applicants own 17.13 acres, where 14.13 acres is for crop production and 3 acres is for their home, lawn, buildings, and the nursery business. The property is zoned Primary Agriculture. The adjacent land uses are agricultural, residential, and forested. A nursery is conditionally permitted per Pierce County Code (PCC) §240-35C(4). PCC §240-88 defines ‘nursery’ as described in the staff report. PCC 240-15B states the purpose and intent of the Primary Agriculture zoning district as stated in the staff report. They have a 17ft x 30ft (510sq ft) temporary greenhouse on a 4” gravel pad. They intend to build another 7ft x 28ft (196sq ft) temporary greenhouse for the extra overflow of plants. The applicants grow and sell annual flowers, vegetable plants, potted plants, and potting soil. Adjacent fields may be used to grow perennials, shrub, or trees someday in the future. They primarily heat the greenhouse with propane, but also have an electric heater and fans. Applicants manage the business themselves and do not have any employees at this time. Seasonal hours of operation are February – July for daily care of the plants. Customer hours are April – June from 9am to sunset. PCC §240-54 off-street parking requirements state 1 parking space per 200 square feet of primary floor area for retail stores and personal service establishments and outside retail sales require 1 space per 500 square feet of display area. The applicants have ample parking space to meet these requirements. There is ample parking for at least 8 vehicles. No special equipment is needed, except hand tools, fans for ventilation, sprayers for fungicide and insecticide, water, heat, and the greenhouse. PCC §240-61C(1)(b) allows the applicants with a CUP to have a maximum of two advertising signs located on their parcel that do not exceed 32 square feet in sign face area. Signs shall be located out of the road right-of-way and at least 5 feet from all side lot lines. Off-premise signs are limited to specific zoning districts, need a separate permit, and special review and approval. The Ellsworth Town Board recommended approval of this conditional use permit on 7-5-2022. The Town Board justified their approval by stating, “The

nursery/greenhouse is an agriculture business and fits within our Comp Plan that encourages agriculture in our Town. The Larson's also own acreage that is rented for agricultural purposes (crops). This greenhouse is a seasonal business open six weeks in the spring offering plants, flowers, and vegetables. There is plenty of room for parking and turning around. She was encouraged to get her business signs out of Hwy 63 Right-of-Way and make sure next year they are on her property.

**Staff Recommendation:** Staff recommends that the Land Management Committee (LMC) determine whether the proposed use at the proposed location would be 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 LMC approve this request with the following conditions.

1. Activities shall be conducted as presented in the application, including hours of operation.
2. Applicants shall work with the Town of Ellsworth Building Inspector to determine if a building permit is necessary.
3. Adequate portable outhouses (1 per 50 people), or other acceptable restroom facilities, shall be provided and maintained.
4. A maximum of two on-premise advertising signs that do not exceed 32 square feet in sign face area are allowed on this parcel. All advertising signs shall comply with the zoning code standards.
5. The CUP shall be renewed every 2 years. Renewal may be completed administratively if no compliance issues arise.
6. Applicant understands that expansion or intensification of this use may require modification to this conditional use permit, or potentially, the issuance of a new conditional use permit.

Chairperson Aubart asked the Larson's' if they had anything to add. Carrie Larson stated not at this time. Chairperson Aubart asked the committee if they had any questions. **Chairperson Aubart opened the hearing to the public.** No public comment. **Chairperson Aubart stated hearing none, we will close the public hearing. Gulbranson moved to approve the conditional use permit for the Nursery for James & Carrie Larson, due to the fact that this is not contrary to the public interest, nor detrimental or injurious to the public health, public safety, or the character of the surrounding area with conditions #1 - #6/Puhrmann seconded. All in favor. Passed.**

**Discuss take action on Travel/Training Requests.** Pichotta stated he has no travel/training requests tonight.

**Future agenda items:** Pichotta stated we will be having a CUP for filling & grading for the same lot that the tree cutting was on, eventually but that will likely be January or February. As you know we have gone toward Administrative Renewal when we can, so we actually have no agenda items for the next meeting or maybe two. It seems likely that there will be nothing on the 7<sup>th</sup> or 21<sup>st</sup> but you never know what might come in.

**Motion to adjourn at 6:29pm by Sanden/Puhrmann seconded. Motion passed.**

Respectfully submitted by S. Koehler