

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
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MINUTES - Pierce County Land Management Committee Meeting, November 4, 2020

Present: Jon Aubart, Neil Gulbranson and Eric Sanden

Others: Andy Pichotta, Brad Roy, and Shari Hartung

Excused: Joe Fetzer and Jeff Holst

Acting Chairperson Jon Aubart called the Pierce County Land Management Committee meeting to order at 6:01pm in the Annex Conference Room, Ellsworth, Wisconsin.

Next meeting dates: November 18th, December 2nd & 16th, all in 2020.

Approve Minutes from the October 7th Land Management Committee meeting: **Sanden moved to approve the Land Management Committee minutes from October 7, 2020/Gulbranson seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Expansion of a Nonconforming Structure in the Industrial District, pursuant to Pierce County Code Chapter 240-67A(2), for Wieser Concrete Products LLC, owner on property located in the SE ¼ of the SE ¼ of Section 9, T25N, R16W, Town of Salem, Pierce County, WI. Roy stated he directed the applicant not to appear but they are available by phone if there is any questions. Staff Report – Brad Roy: The applicant is proposing a 1,150 square foot addition to the existing office. The addition will be to the west of the current office in an area that is currently paved. The addition will not change the current operations. It will provide additional security for the office when outside companies pick up product. It will also improve office flow and provide area for a new break room. The applicant anticipates hiring one or two additional employees. In 2014, the LMC granted a CUP to expand the production plant within the US Hwy 10 setback. The proposed addition is 18'6" x 57'2" and will be 137' from the centerline of US Hwy 10 and 65' from the right-of-way. Pierce County Code §240-27A. State and federal highways. Except as provided in subsection E and F, the required setback for all structures fronting on state and federal highways shall be 110 feet from the center line of the road or 77 feet from the edge of the right-of-way, whichever is greater. (Subsections E and F are not applicable to the request). Pierce County Code §240-67A(2) Nonconforming structures. Additions to or extensions of nonconforming structures are permitted, provided that such additions or extensions comply with all the provisions of this chapter or a conditional use permit is granted as provided in §240-76. Neighboring land uses are undeveloped woodland and residential. The residential use is to the south of the site across Hwy 10. The access points off of Hwy 10 will not change. Pierce County Code §240-54 Off-street parking, requires 1 space per 250 feet of primary floor area. The proposed addition will require the applicant to provide 5 additional parking spaces. The site has adequate area to accommodate the additional parking. Part of the addition will be a bathroom. The applicants plan on installing a holding tank for the new bathroom. The Town of Salem recommended approval of this request on October 8, 2020; stating "The Town recommended a similar approval in 2013/14 of a building which was within 63' of the Hwy 10 right-of-way. The proposed project would be entirely with existing paved surface/yard areas and does not present a threat to public health and safety or present a nuisance to neighboring properties."

Staff Recommendation: Staff recommends the Land Management Committee consider whether this request would be contrary to the public interest or whether it would be detrimental or injurious to public health and safety, or the character of the area. If determined to not be contrary to the above, staff recommends this conditional use permit be approved with the following conditions:

1. The addition shall be constructed consistent with submitted plans.
2. A copy of the State Plan Approval for the building expansion from WI DSPPS shall be submitted to the Land Management Department prior to construction.

Chairperson Aubart opened the hearing to the public. No public comments. **Chairperson Aubart closed the public hearing.** Sanden asked they are encroaching further into the right-of-way area but not any further than they have already done on the western edge. Roy stated that is correct.

Gulbranson moved to approve the request for a conditional use permit for expansion of a nonconforming structure for Wieser Concrete Products LLC, due to the fact that this is not contrary to the public interest and it would not be detrimental or injurious to public health, public safety, or the character of the surrounding area, with conditions #1 & #2/Sanden seconded. All in favor. Passed.

Discuss take action on a request for a Rule Exception to the requirement that every lot in a land division front or abut a public or private street for a distance of at least 66 feet pursuant to Pierce County Code Chapter 237-26C and the lot width at the building setback line and at the building construction line shall be 100 ft per Sec 237-26G for Ryan & Jennifer Lake, owners, by Josh Rhy, agent on a proposed 3 acre Certified Survey Map (CSM) located in the SW ¼ of the NE ¼ of Section 31, T25N, R16W, Town of Salem, Pierce County, WI.

Staff Report – Brad Roy: The previous land owner created a Map of Survey dated 1-30-2017. The Map of Survey has “Parcel A” outlined with 57.597 acres that was sold to Ryan & Jennifer Lake in June 2017. The Lake’s access their land through a 30 ft easement through Craig & Teresa Flynn’s property. Jason Rhy wants to split off 3-acres from Ryan & Jennifer Lake without 66 ft of road frontage on 450th Street that is required by Pierce County Code §237-26C and without the lot width at the building setback/construction line being 100 ft that is required by Pierce County Code §237-26G. The parcel is zoned General Rural. Pierce County Code §237-26C states, “Every lot in a land division shall front or abut on a public or private street for a distance of at least 66 feet unless a rule exception is granted by the Land Management Committee.” Pierce County Code §237-26G states, “Lot width at the building setback line and at the building construction line shall be 100 feet.” PCC §237-30 regarding 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.” PCC §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, and to the conditions are listed A – J in the staff report. Alternatives to requesting this Rule Exception include:

1. Purchase greater than 15 acres from Ryan & Jennifer Lake, the land could be accessed by an easement, and the subdivision code regulations would not apply;
2. Purchase land from a neighbor that would extend wide enough and long enough to abut or front onto 450th Street; or
3. Build a 2-lane private road that is long enough so the proposed 3-acre lot abuts or fronts on the private road for a distance of 66 feet.

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

Chairperson Aubart asked how they are getting back to the lot now. Roy stated there is an easement through the Flynn property. Chairperson Aubart asked if the easement is 50 foot? Roy stated the easement is 30 foot. Gulbranson stated that’s for tractors, combines, things like that or they got this easement just for this? Roy stated he assumes the easement was put on when the lot was created in 2017 and that would have been from a

previous land owner. Looking at it, it's in ag use, perhaps. Sanden asked how the Town of Salem weighed in on this? Pichotta stated that he had received a phone call from the Chair of the Town of Salem who indicated that he did not support this because he did not feel there was good reason to justify it. Sanden stated he is leaning the same way, it seems like this is self-created. He thinks the alternatives given are all viable. Gulbranson stated by granting this we would be setting a precedent. Sanden stated right and it would be arbitrary because they would be treating this person different than everybody else. Gulbranson stated they would have to have a really good reason for asking this, what is the wording? Pichotta stated "substantial justice." Roy added or a better design would result. Gulbranson stated Emily laid it out, what they would have to do. Sanden stated maybe this isn't making a good comparison here but if this was a variance, this would be self-created and it would be completely financial in which case - if it was a variance it wouldn't be approved by a Board of Adjustment. Chairperson Aubart asked how Ryan Lake accesses the rest of the property. Is that through that same easement. Roy stated yes. Chairperson Aubart stated he could sell them another twelve acres, then they wouldn't need this. Roy stated yes, if they sold him another twelve acres. Pichotta noted that in the narrative of 10/14/2020, he states that he currently owns the land with his friend. If he does own it, he could sell himself the twelve acres. Chairperson Aubart stated it talks about the transfer of ownership also. Gulbranson stated he talks about assuming the mortgage. Sanden stated if that's the case, just a Quit Claim Deed could make this into a flag lot. Gulbranson agreed. Chairperson Aubart stated it talks about this Chas Hollander and owning an adjacent 54 acres, what's that all about? Roy stated that would be the leftover of the parcel after the 3 acres is split off. Gulbranson stated it didn't appear that he tried to buy the required land. Chairperson Aubart stated he isn't inclined to support this. It sounds like we have to have a majority of the committee but we have to explain our reasons. Pichotta stated that the committee could explain that it does not comply with the purpose and intent the subdivision ordinance. The code basically says if you are going to approve it, you need to list the reasons which justified it. It doesn't have the reverse. Chairperson Aubart stated we can't justify it and they have options. Pichotta stated a potential motion would be to not approve this rule exception finding that options exist and the rule exception is not justified. **Sanden moved to deny the request for a rule exception to the requirement that every lot in a land division front or abut a public or private street for a distance of at least 66 feet pursuant to Pierce County Code Chapter 237-26C and the required lot width at the building setback line and the requirement that building construction line be 100 feet per Section 237-26G for Ryan & Jennifer Lake, owners on a proposed 3 acre Certified Survey Map (CSM) in the Town of Salem, due to that fact that reasonable options have been provided and the rationale for not adhering to Pierce County Code is not adequately justified/Gulbranson seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for a Campground in the General Rural Flexible District pursuant to Pierce County Code Chapter 240-39A, by Chris Willgrubs, agent for Jeffery Kessler, owner on property located in Outlot 2 being a part of Gov't Lot 4, Certified Survey Map (CSM) V12, P58, in Section 3, T24N, R18W, Town of Trenton, Pierce County, WI.

Staff Report – Brad Roy: In 2015, the applicant received a Conditional Use Permit to establish a campground along the Mississippi River. The campground is intended to provide seasonal camping space for individuals with campers, travel trailers, and recreational vehicles. The initial CUP approved the establishment of 16 camping sites outside the floodplain with the option to add four additional sites upon campsite layout approval by Land Management staff. The applicant originally established 7 campsites. The applicant later determined there was only room for 11 campsites outside of the floodplain. In 2018, the LMC authorized the establishment of 9 campsites in the floodplain for a total of 20 campsites. Campsites designated as 12 through 19 on the map are in the floodplain. Campsite 20 is a rustic site with no electricity or water supply. The original CUP was anticipated to be the first of several phases of campground development on the site. The planned full scope of the project is to establish approximately 120 campsites, most of which would be located in the floodplain and shoreland areas of the property. The expansion or intensification of this use will require issuance of a new CUP. The applicant has expressed an interest in obtaining a new CUP to add more campsites. A campground is defined in Pierce County Code §240-88 as "any parcel or tract of land which is designed, maintained, intended, or used for the purposes of providing sites for nonpermanent overnight use by four or more camping units or by

one to three camping units if the parcel or tract of land is represented as a campground and may include multiple related uses managed as one operation.” Campgrounds are subject to conditions set forth in Pierce County Code §240-39A which are listed in the staff report #1 - #16. A holding tank dump station for the collection of waste from recreational vehicles camping on-site was installed on June 4th, 2018. Each site has a minimum of 1,000 square feet and will have two off street parking spaces. Each site is marked and surfaced with gravel. Gravel campsite pads may vary in size based on site layout. However, each site is estimated to have approximately an 8’ x 30’ gravel pad. In order to comply with floodplain regulations, the placement of gravel or other material cannot increase the existing surface elevation. No more than one mobile recreation vehicle is allowed on each campsite. Wheels and tires are required to be in an in-transit position. Camping units in the floodplain are required to be moved every 180 days. A well has been installed between campsites 1 and 7 out of the floodplain. Each access pedestal will be at elevation 685’ or higher and supplied with a backflow preventer. The electric transformer is located outside of the floodplain and is also located at an elevation of 685’ or higher. The site is located in an area where there is more than a 72-hour warning of likely flood events. There is a flood warning procedure for the campground that offers notice to all persons in the campground and includes a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official. Signage has been placed near the entrance that informs that a “Flood Hazard Area” is being entered. The sign provides contact information and illustrates the evacuation route. The Department has not received any complaints regarding the campground. Staff contacted Town of Trenton Chairperson regarding the renewal of this conditional use permit and no complaints or concerns were reported. The existing conditions of the permit are listed #1 - #13 in the staff report. Based on advice from Corporation Counsel, staff is not recommending any conditions which require the permitting or compliance with other agencies, organizations or departments regulations or rules.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and determine whether any additions or changes to conditions are necessary to protect public health and safety, or the character of the area. If no additions or changes are warranted, staff recommends the LMC renew this conditional use permit with the following conditions:

1. Operations shall be consistent with the application unless modified by another condition of this permit.
2. Total number of campsites present shall not exceed 20 individual sites. The expansion or intensification of this use beyond the 20 campsites delineated will require issuance of a new CUP.
3. Internal roads, camping pads and sanitary improvements shall be completed prior to commercial use.
4. Any campground advertising signage shall comply with Pierce County zoning standards.
5. A land use permit shall be obtained for all future structures prior to construction.
6. 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.
7. The campground shall comply with all items listed under Sections §238-20 and §240-39 of the Pierce County Code. If conflict between regulations occurs, the most restrictive shall apply.
8. The Campground shall comply with all applicable regulations in Chapter 242 of the Pierce County Code.
9. Prior to the placement of any material on the surface in the floodplain, existing elevations shall be established as well as final grade determinations by a registered surveyor.
10. Any additional filling and grading shall be verified by staff to determine if a conditional use permit is needed.
11. Written flood warning procedures for the upcoming year shall be submitted to the Zoning Office annually prior to December 31st of the preceding year.
12. Owner and manager contact information shall be prominently posted on site.
13. This conditional use permit shall expire in two years. Renewal may be completed administratively if no compliance issues exist.

Aubart asked if he would need to apply for a new CUP. Have they moved forward with additional sites? Roy stated the Town recommended approval up to the full 120 sites. We don’t know if he needs to get a new

recommendation or if that still holds. So the Town will give direction on that. He has the rest of the application. There hasn't been any development at the site yet until those approvals are granted. Gulbranson stated he knows they have to move their campers every 180 days if they are in the floodplain, other than common sense is there anything that tells them in the spring that they shouldn't be there? Roy stated it is a common-sense thing. Gulbranson stated the one under the high bridge, they used to leave them there and they would flood in the spring and you would see them bobbing down there. Roy stated he believes what they do here is move them out of the floodplain. It gets steeper, closer to the road so he doesn't know if they actually leave the site every spring or if they just move them up to higher ground.

Gulbranson moved to approve the renewal of the conditional use permit for a Campground for Jeffery Kessler, owner by Chris Willgrubs, agent, with conditions #1 - #13, with the modifications to #5 and #13 as presented/Sanden seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

Pichotta stated he does not see that we need to meet on the 18th but we will likely need to meet on December 2nd. We will have at least one renewal of a conditional use permit for nonmetallic mining and then he is hoping that we won't need to meet that second date in December.

Motion to adjourn at 6:31pm by Sanden/Gulbranson seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, November 4, 2020 – 6:00 p.m.
Annex Conference Room, Pierce County Courthouse Annex,
124 N. Oak St. Ellsworth, WI 54011 (Entrance by Holiday)**

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: November 18 th , December 2 nd & 16 th , all in 2020.	Chair
3	Approve minutes of the October 7, 2020 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Expansion of a Nonconforming Structure in the Industrial District, pursuant to Pierce County Code Chapter 240-67A(2) for Wieser Concrete Properties LLC, owner on property located in the SE ¼ of the SE ¼ of Section 9, T25N, R16W, Town of Salem, Pierce County, WI.	Roy
5	Discuss take action on a request for a Rule Exception to the requirement that every lot in a land division front or abut a public or private street for a distance of at least 66 feet pursuant to Pierce County Code Chapter 237-26C and the lot width at the building setback line and at the building construction line shall be 100 ft per Sec. 237-26G for Ryan & Jennifer Lake, owners, Josh Rhy, agent, on a proposed 3 acre Certified Survey Map (CSM) located in the SW ¼ of the NE ¼ of Section 31, T25N, R16W, Town of Salem, Pierce County, WI.	Lund
6	Discuss take action on a request for renewal of a conditional use permit for a Campground in the General Rural Flexible District, pursuant to Pierce County Code Chapter 240-39A, by Chris Willgrubs, agent for Jeffery Kessler, owner on property located in Outlot 2 being a part of Gov't Lot 4, Certified Survey Map (CSM) V12, P58, in Section 3, T24N, R18W, Town of Trenton, Pierce County, WI.	Roy
7	Discuss take action on Travel/Training Requests.	Pichotta
8	Future agenda items.	Pichotta
9	Adjourn	Members

A quorum of County Board supervisors may be present.

(10/23/20)

- **Revised 10-27-20 @ 2:08pm.**

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MINUTES - Pierce County Land Management Committee Meeting, October 7, 2020

Present: Neil Gulbranson, Eric Sanden and Dale Auckland

Others: Andy Pichotta, Brad Roy, Adam Adank and Shari Hartung

Excused: Joe Fetzer, Jeff Holst and Jon Aubart

Acting Chairperson Neil Gulbranson called the Pierce County Land Management Committee meeting to order at 6:07pm in the Annex Conference Room, Ellsworth, Wisconsin.

Next meeting dates: October 21st, November 4th & 18th, all in 2020.

Approve Minutes from the August 19th and September 2nd Land Management Committee meetings: **Sanden moved to approve the Land Management Committee minutes from August 19, 2020 and September 2, 2020/Gulbranson seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Agritourism in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-35B(1), for Dawn Stewart and Kerri Harting, owners on property located in Lot 3, Certified Survey Map (CSM) V8, P150, in the NE ¼ of the SW ¼ of Section 18, T27N, R19W, Town of Clifton, Pierce County, WI. Staff Report – Adam Adank: This CUP was originally presented to the Committee on August 5, 2020 and was approved with 14 conditions. However, due to publishing errors, the notification had to be published again to satisfy Wisconsin State Statutes publication of legal notice requirements. The publication error nullifies the previous approval and requires the committee to again consider and take action on this CUP request. The applicants are requesting a CUP for agritourism to allow farm tours and several open house events on their property where they operate “Eagle Eye Farm”. The farm is primarily an alpaca farm where they breed, raise, show, and sell high quality alpacas. Other animals on the farm are listed in the staff report. In May of 2020, the applicants were issued a LUP for a home business to sell raw fleece/wool produced onsite along with other products made from their fleece/wool and any products accessory to such goods. The applicants would like to have an onsite farm market/store in the future so that customers have the option to buy items directly onsite. The applicants would also like the option to hold several open house type events each year. The property is zoned General Rural Flexible 8. Adjoining properties are zoned Primary Ag, General Rural Flexible 8 and Rural Residential 8. Pierce County Code (PCC) §240-35B(1) classifies agritourism as an agricultural business operation. The Definitions of Agritourism and Agricultural Business Operation are listed in the staff report. Applicants originally requested to operate seven days a week with hours of operation from 10AM to 6PM. He did receive an email earlier this week from the applicants requesting to change the hours from 9AM to 6PM. So an hour earlier they would like to be open. Applicants are requesting up to 6 open house type events each year. Hours of operation requested for open house events would be from 9AM to midnight was originally requested. Applicants expect a couple hundred people could possibly show up for these events. The applicants expect that the farm tours will have around 10 people per tour with larger or smaller tours possible depending on the demand. Tours are expected to last approximately 1 hour. The farm currently has 3 employees (not including the owners). However, the applicants have stated they may need more employees in the future. A Sanitary Permit for a holding tank was permitted in 2004 for a bathroom in the barn. This bathroom would be used for customers on the tour. Pierce County Code §240-54 establishes parking requirements. Agritourism is not a listed use, but 1 parking space per 4 patrons is required for Commercial Recreation. Groups attending will be

limited to approximately 10 individuals. The number of people at the open house events will range. There is plenty of adequate parking areas onsite along the barn and along the service drive to satisfy this requirement for daily tours. The Clifton Town Board recommended approval of this request on 7-6-2020 without any concerns or suggested conditions. The Town did not reference its Comprehensive Plan. The applicant is strongly encouraged to comply with relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), Department of Health and Family Services, etc.). The committee originally approved this request on August 5, 2020 with the following conditions:

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. The applicant shall contact the Town of Clifton Building Inspector to discuss whether any structures need to comply with the Uniform Commercial Code (UCC) requirements. If the Building Inspector determines that a safety issue currently exists, use of the structure shall cease until it is code compliant.
3. Applicant shall secure a Land Use Permit for all future structures or signs prior to construction or installation.
4. Adequate portable outhouses (1 per 50 people), or other acceptable restroom facilities, shall be provided for the larger open house events.
5. Hours of operation shall be Monday-Sunday, 10AM to 6PM.
6. Up to 6 open house events are allowed each year. Hours of operation for the open house events shall be 9AM to 10PM.
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. One parking space per four customers and areas for ADA compliant parking shall be provided onsite.
9. Applicant shall submit a parking plan prior to the first open house type event for staff review. Plan shall indicate locations and number of parking spaces available.
10. If food is provided for any open house type events it shall be provided by a licensed food vendor.
11. A status report shall be made to the Land Management Committee in one year.
12. This CUP shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
13. Applicant shall obtain written driveway access approval from the Pierce County Highway Department for the change in use prior to any Agritourism.
14. Applicant shall acquire a Uniform Address Number (UAN) sign for the barn.

Staff Recommendation: Staff recommends the Land Management Committee 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 found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for Agritourism with the following conditions: The conditions are listed in the staff report #1 - #14. All conditions remain the same as previously approved. The committee can decide if they want to change condition #5 to 9AM as requested.

Sanden asked if the parking plan has been submitted yet. Adank stated yes, supposedly they held their Alpaca Days event the last Saturday in September so they submitted it prior to that. Sanden asked if it seemed acceptable. If we did change #5 to 9AM, we could go back in a year or so and move it back up if there were any problems. **Chairperson Gulbranson opened the hearing to the public.** No public comments. **Chairperson Gulbranson closed the public hearing.**

Sanden moved to approve the request for a conditional use permit for Agritourism for Dawn Stewart and Kerri Harting, due to the fact that this is not contrary to the public interest and it would not be detrimental or injurious to public health, public safety, or the character of the surrounding area, with conditions #1 - #14 modifying condition #5 to read "Hours of operation shall be Monday - Sunday, 9AM to 6PM."/>Auckland seconded. All in favor. Passed.

Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business for Huppert Transport in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-36D, for Prairie View Farms Inc, owner on property located in the SE ¼ of the SE ¼ of Section 30, T26N, R18W, Town of Trimbelle, Pierce County, WI.

Staff Report – Adam Adank: The applicant is requesting a CUP to operate a trucking business at his residence. The business is called Huppert Trucking and they typically transport rock, sand, gravel, asphalt, debris, etc. Mr. Huppert has been operating a trucking business for the past few years without benefit of a permit. The Land Management Department was recently made aware of the business from a complaint about the business not having proper permits. At that time, Mr. Huppert was made aware that a Conditional Use Permit for a Farm and Home Based Business was required to run the business at his property. Mr. Huppert owns approximately 588 acres connected to the parcel his home and trucking business is located on. The trucking business is operated out of a 50' x 90' pole building. The pole building is a garage with an equipment storage area and office area. The total square footage of the building is 4500 square feet. No other buildings are utilized for the trucking business. The property is zoned Primary Agriculture. The purpose of the Primary Agriculture District is established to maintain, preserve and enhance prime agricultural 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 as to maintain the rural characteristics of the district. Adjacent properties are zoned Primary Agriculture and Agriculture Residential. Adjacent land uses are agriculture and low density residential. Section 240-36E 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 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 Sec 240-76 shall apply.

Mr. Huppert currently has 8 employees for the trucking business. County code stipulates that, as a Farm and Home Based Business, no more than 8 employees may be working at one time. 460th Ave is a dead-end road that connects to County Road OO. There are 6 other residences on 460th Ave. The business currently operates with 7 trucks. The business location is not open to the public. No bathroom facilities are located onsite other than the bathrooms for the dwellings located on the parcel. Off-street parking per Pierce County Zoning Code Ch 240-54A requires 2 non-employee spaces for manufacturing/trade or contractor establishments. Adequate employee parking spaces are available around all sides of the building. Hours of operation requested are 6am to 6pm, Monday thru Friday, and occasionally on Saturdays. No advertising signs are currently onsite and the applicants have indicated they do not plan to advertise using signage at this time. The Trimbelle Town Board recommended approval of this request on 8-12-2020. The Town did not suggest any conditions or state any concerns. The applicant is strongly encouraged to comply with relevant local and state ordinances and regulations and secure all necessary permits and licenses.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location 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. Activities shall be conducted as presented in the application unless modified by a condition of this permit.

2. The applicants shall contact the Town of Trimbelle Building Inspector to discuss whether any structures need to comply with the Uniform Commercial Code (UCC) requirements. If the Building Inspector determines that a safety issue currently exists, use of the structure shall cease until it is code compliant.
3. Hours of operation shall be Monday thru Friday, 6am to 6pm and occasionally on Saturdays.
4. There shall be a minimum of 2 parking spaces established.
5. The entire business area shall not exceed 5,000 square feet.
6. No more than 8 persons not residing on-site shall be employed at the site at any given time.
7. The business shall be conducted by the owner of the dwelling unit.
8. A land use permit shall be obtained for all future structures or signs prior to construction.
9. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
10. This CUP shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.

Chairperson Gulbranson opened the public hearing. No public comment. Sanden asked how long has this been operational. Adank stated when he asked him, he stated a few years. Sanden asked if there have been any complaints to his knowledge. Adank stated this is the first they have heard about it. **Public hearing closed.** Sanden moved to approve the conditional use permit request for a Farm and Home Based Business for Huppert Trucking, due to the fact this proposed use at this proposed location 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 - #10/Auckland seconded. All in favor. Passed.

Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business for Big River Dirt Works, in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-36D, for Prairie View Farms Inc, owner on property located in the SE ¼ of the SE ¼ of Section 30, T26N, R18W, Town of Trimbelle, Pierce County, WI.

Staff Report – Adam Adank: This staff report is very similar, same property, the businesses kind of go hand-in-hand. The applicant is requesting a CUP to operate an excavation business at his residence in the Town of Trimbelle. The business specializes in excavation and sitework services including: land clearing, foundations, stone-sand-gravel, ponds, septic, drainage systems, driveways, topsoil work etc. The business is called Big River Dirt Works. Mr. Huppert has been operating for the past few years without benefit of a permit. The Land Management Department was made aware through a complaint. At that time Mr. Huppert was made aware that he needed a CUP for this Farm and Home Based Business also. Mr. Huppert owns approximately 588 acres. The excavation business is run out of a 60' x 210' pole building that is used for business equipment storage and farm equipment storage. The building also has an open sided 20' x 210' lean-to off the east side. Mr. Huppert has indicated that the majority of the building is used for farm equipment storage and stated that no more than 5,000 square feet is used for the excavation business. A 60' x 80' area of the pole shed has been delineated for the business as shown in the attached map. The property is zoned Primary Agriculture. The purpose of the Primary Agriculture District is listed in the staff report. Adjacent properties are zoned Primary Agriculture and Agriculture Residential. Section 240-36E allows for farm and home based businesses with the same standards #1 - #4 that are listed in the staff report. The Land Management Committee has historically allowed up to two (2) Farm and Home Based Businesses to be permitted on a single qualifying parcel. Mr. Huppert currently has 8 employees for the excavation business. No more than 8 employees may be working at one time. It's a deadend road. There are six other residences on the road. Equipment used for the business includes, backhoes, skid loaders, dozers, dump trucks, and other excavation equipment. The business is not open to the public. No bathrooms again other than what's in the dwelling unit. Off-street parking per Pierce County Zoning Code Ch 240-54A requires 2 non-employee parking spaces for manufacturing/trade or contractor establishments. Adequate employee parking spaces are available all around this building as well. Hours of operation requested are 6am to 6pm, Monday thru Friday, and occasionally on Saturdays. No advertising signs are currently onsite and the applicants have indicated they do not plan to advertise using signage at this time. The Trimbelle Town

Board recommended approval of this request on 8-12-2020. The Town did not suggest any conditions or state any concerns. The applicant is strongly encouraged to comply with relevant local and state ordinances and regulations and secure all necessary permits and licenses.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed use at the proposed location 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. Activities shall be conducted as presented in the application unless modified by a condition of this permit.
2. The applicants shall contact the Town of Trimble Building Inspector to discuss whether any structures need to comply with the Uniform Commercial Code (UCC) requirements. If the Building Inspector determines that a safety issue currently exists, use of the structure shall cease until it is code compliant.
3. Hours of operation shall be Monday thru Friday, 6am to 6pm and occasionally on Saturdays.
4. There shall be a minimum of 2 parking spaces established.
5. The entire business area shall not exceed 5,000 square feet.
6. No more than 8 persons not residing on-site shall be employed at the site at any given time.
7. The business shall be conducted by the owner of the dwelling unit.
8. A land use permit shall be obtained for all future structures or signs prior to construction.
9. Applicant understands that expansion or intensification of this use will require modification to this conditional use permit. If applicant has questions as to what constitutes expansion or intensification, Land Management staff should be contacted.
10. The CUP shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.

Chairperson Gulbranson opened the public hearing. No public comment. **Chairperson Gulbranson closed the public hearing.** Sanden asked about the previous conditional use permit, it said no more than 8 people on the site and then this one says no more than 8 people on the site. Agenda #6 says he has 8 people currently for this part of the business, is it a per site basis or a per business basis? In other words, is he allowed to have 8 or 16? Adank stated as far as he knows, historically we have done it per business. Pichotta stated he is allowed 16. **Sanden moved to approve the conditional use permit request for a Farm and Home Based Business for Big River Dirt Works, due to the fact this is not found to be contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #10/Auckland seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Sludge Disposal in the General Rural Flexible District by David Sauer, Cedar Corporation, agent for Ralston Purina & Nestle Purina Petcare Co, on property owned by William E. Schroeder, located in parts of the N ½ of the SW ¼, SE ¼ of the SW ¼, and most of the N ½ of the SE ¼ of Section 29, also the N ½ of the NE ¼ of Section 32, all in T25N, R17W, Town of Hartland, Pierce County, WI.

Staff Report – Andy Pichotta: This is a request for a conditional use permit for sludge disposal. Ralston Purina/Nestle Purina Pet Care Company is a cat and dog food flavoring processing facility located in Hager City, WI. They operate a wastewater treatment facility with two settling basins to store bio-solids, or sludge material. When the food processing equipment is cleaned, wastewater is generated. These ponds need occasional sludge removal. The LMC approved previous CUPs for sludge disposal in 1997, 1999, 2001, 2006, 2011, 2015, and 2016. This new CUP request is for a site called Field 14 in Sections 29 and 32 in the Town of Hartland on property owned by William Schroeder. They plan to land apply sludge after crops are harvested. The sludge contains nitrogen, phosphorous, potassium, and other nutrients that support corn and soybean plant growth. The land application locations and rates are regulated by the WI DNR through NR 214. The applicants have received land application site approval from the WI DNR on 9-1-2020. The parcels are in Sections 29 & 32, in the Town of Hartland. The parcels total 339.64 acres and are zoned General Rural Flexible. Soybean and

corn crops are grown on the upland areas. Surrounding land uses include agriculture, woodland, and residential. Pierce County Zoning Code Ch 240 Attachment 1:1 Tables of Uses defines sludge disposal as a conditionally permitted use in the General Rural Flexible zoning district. Of the 339.64 acres, only 197.3 acres will have sludge material applied. The WI DNR reduced the area due to regulated separation distances to wells, residences, steep slopes, surface water, drainage areas, and more. The applicant is planning to have sludge material land spread between October to November 2020. According to page 1 of the DNR approval letter, they also regulate land spreading when the ground is saturated or frozen. In case the weather doesn't cooperate this year, they are requesting this CUP to be active for 16 months, so they can land apply sludge material in the fall of 2021 if necessary. The Hartland Town Board recommended approval of this request on 8-11-2020 with the following statement (attached), "Conditional approval based on letter of credit from Bank or Security Deposit to cover potential road damage. \$60,000 value. The roads to be inspected before and after to ensure no damage." The Town did not reference its Comprehensive Plan. PCC §240-76G discusses expiration of Conditional Use Permits and states, "All conditional use permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use. If a time limit has been imposed as a conditional use permit, the permit shall expire at the end of the time limit." It is recommended that the properties receiving sludge update their NRCS 590 Nutrient Management Plan to reflect the new fertilizer and future fertilizer needs. The conditions associated with the previous CUP (2016) are listed #1 - #6 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee determine whether the proposed land spreading of sludge at the proposed locations 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 found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for Sludge Disposal with the following conditions:

1. Sludge application shall cease if the ground becomes frozen or too wet for land injection.
2. Field access points shall be protected to control field soils and sludge from being tracked onto public roads.
3. Applicant shall contact the Land Management Department when sludge spreading begins.
4. This conditional use permit will be active for 16 months from the date of issuance.
5. Applicant shall enter into a road maintenance agreement with the Town of Hartland, if necessary.
6. Applicant shall update their NRCS 590 Nutrient Management Plan.

Chairperson Gulbranson opened the hearing to the public. Sanded asked Andy if there was any material difference between this one and the ones from '97 through 2016? Pichotta stated no. Sanden asked about Town of Hartland's requirement for the security deposit, is that covered by in condition #5, Applicant shall enter into a road maintenance agreement. Pichotta stated yes. Sanden asked as far as the 240-76G, that it has to happen within 12 months is by saying 16 months from the date of issuance, does that cover that? Pichotta stated yes. Auckland asked is it spread on and injected, both ways? Pichotta stated he believes it's injected. His recollection is that it's a bit of both but certainly whatever they do has to be consistent with the DNR requirements. Chairperson Gulbranson asked if this product is something that farmers really want? Pichotta stated he thinks so, in previous years Mr. Holst ??? his property but said it was too much of a pain. It was kind of complicated to make it happen so he opted to not be involved this time. Auckland asked if they can do that injection more than one year in a row? Pichotta stated he is not sure what the DNR requirements are, Brad are you? Roy stated he isn't but thinks the key would be to do the Nutrient Management Plan through Land Conservation just to make sure soils aren't overloaded with anything. He thinks that is the key to gets updated. Auckland stated he has gone by after the have applied it and it doesn't look good. **Chairperson Gulbranson closed the public hearing. Sanded moved to approve the conditional use permit request for sludge disposal at the proposed location for Ralston Purina/Nestle Purina Petcare Company due to the fact it is not found to be contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area, with conditions #1 - #6/Auckland seconded. All in favor. Passed.**

Public hearing to consider and take action on proposed floodplain (zoning ordinance and/or map) revisions that are required by state and federal law, for Pierce County Code Chapter 238 Floodplain.

Staff Report – Brad Roy: In 2011, Pierce County updated its Floodplain Zoning Ordinance and Flood Insurance Rate Maps (FIRMS) and the Flood Insurance Study (FIS). Earlier this year, FEMA updated the FIRMS and FIS for Pierce County, which must be adopted into the floodplain ordinance no later than December 30, 2020. If we do not meet this deadline, FEMA will suspend the county from the National Flood Insurance Program. Only two maps were updated, both near Spring Valley, and no new structures were placed in the Floodplain. The process to update the Floodplain Ordinance requires approval of the ordinance by the DNR. Staff was notified in July of this year by the DNR that a repeal and recreate of the current Floodplain Ordinance is required to comply with current State and Federal standards. The DNR forwarded a model ordinance for the County to adopt. Much of the DNR model ordinance is consistent with the current Floodplain Ordinance. Many of the changes are minor and will not have a significant impact on the administration of the ordinance. There were changes to Article VIII Amendments and Enforcement (page 24) which provides greater development options to landowners. Staff does have concerns about the proposed amendments to Article VI Nonconforming Uses (page 12). The model ordinance includes new language which requires maintenance, on a per event basis, to comply with the 50% rule (highlighted and bolded on page 13). There also appears to be potential issues regarding what constitutes maintenance and repairs as opposed to additions and modifications. A new definition was also added, that being “Substantial Improvement” (highlighted and bolded on page 29). By definition, any repair would now be considered a “substantial improvement.” Staff has raised these concerns with FEMA and the DNR regarding how the differing contexts of this section will make administration of this ordinance difficult for staff and ultimately for landowners with property in the floodplain. We have heard back from the DNR before this meeting. Essentially, it came down to, we need to adopt the ordinance word for word from the model. It’s one of those things, our big concern was the maintenance. Say somebody wanted to replace some windows in the floodplain, we don’t even require a permit for that now. It’s no different than any property in the County. What FEMA is now telling us is that we need to track that to make sure that on a per project basis, it doesn’t exceed 50% of the value. Sanden asked, this is for nonconforming structures in the floodplain. Roy stated yes. Ultimately, it’s going to come down to staff coming up with a way to make sure this isn’t too big of an issue for the landowners. We don’t want to start requiring permits for that because no one, these people have had these properties for a time. They are not going to expect to acquire permits so if we do a permit with fees that would be a lot of change. If we require a permit and they forget, ultimately, we would have an enforcement issue which creates a bigger problem. In his mind he is considering a project tracking process that doesn’t require a permit that would allow the landowners to keep doing the things they are doing but gives us a record if FEMA ever comes looking. Sanden stated is sounds like you are required to adopt the language but there is enough wiggle room in there as far as the interpretation of that language. Roy stated yes. Sanden stated we could interpret it leniently, if they wanted too, he supposed. Chairperson Gulbranson asked if somebody had a cabin on a lake or in a floodplain and they want to build a big fancy house, they do one wall, one year. Roy stated that would be an addition so there is limitations over the whole life of a structure. Maintenance, say they needed to put some new shingles on, that’s maintenance and that’s a project. We are monitoring on a per project basis. If a landowner needed to replace doors, windows and the roof, as one project, if it crossed over the 50% threshold, staff would recommend that they break that up, do windows year. Do your roof the next year. There is wiggle room to help the landowners out. Chairperson Gulbranson asked right now, if a tornado or flood took the whole structure away, you couldn’t rebuild there? Roy stated probably not. Chairperson Gulbranson stated but the insurance would pay what the value was if they had flood insurance. Roy stated yes. Pichotta stated he believes there is some language related to the ??? flood disaster if the structure is damaged by a ??? flood disaster. He thinks you have the ability to build back. Chairperson Gulbranson stated a tornado you could fix it. Roy stated but if a flood comes, then we are getting into values. Sanden stated that definition, 50% threshold that’s found on page 13, is a little bit ambiguous where as on page 29, the 50% says of the structure. If he looks at that definition on page 13, equalized assessed value, is that the structure and the land? Roy stated just the structure. Sanden because on Trenton Island the land is worth so much money, you could conceivably lose your entire house and you still wouldn’t reach that 50% mark. Roy stated but it is the structure. Chairperson

Gulbranson stated we should pass this. Pichotta stated first you need to open the public hearing and see if there is any public comment. Assuming the committee approves this, it will go to Finance and Personnel, which is necessary for any ??? that is generated. Before the next full County Board meeting there is a special ??? meeting where it can move forward where they will make a recommendation to the board and ?????????? October County Board meeting. The second reading and final action would take place ?????? Upon publication of notice and the County Board minutes we would provide documentation to the DNR and we should be ?????????? as far as

Chairperson Gulbranson opened the public hearing. Gary Huppert presented maps to the committee. He is here representing himself and his son. They live west of County Road O and East of County Road E on Highway 10. In 2016, they went to tear the barn down and his son wanted to build a shouse. First thing they needed to do a perk test. He had an agreement with Laurence and Mary Jane Huppert to purchase the land and they had Mary Jo Huppert come out and do a perk test which passed for a conventional. They were notified two weeks later by Mary Jo who looked at the map and it was determined that it was in the floodplain. On the map, you can see the blue on Highway 10 and that is actually above the guardrails. There is a twenty foot drop down to the ravine or twenty-five. Mary Jo came out and they repered it up higher. You can sort of see where the driveway comes in up by the barn. At that time, he discussed it with Emily if she would come out and they could determine where the floodplain line was so they could try to get the sewer system above that. Evidently, she said that she wouldn't even come out. They just have to go by the map. It would be their responsibility to prove it's not in the floodplain. His son hired Brandon King, he did the surveying. There is a double box culvert underneath Highway 10 and the water flows from the north to the south. You can see above Highway 10, there is no floodplain. As an example, he would say it's a double-box culvert and it's probably six foot by eight foot, each one. So Brandon came out and they did some elevation shots. They sent them to FEMA. What FEMA did is said they would remove it from flood insurance but they wouldn't remove it from floodplain. Then he got it forwarded to the DNR for the septic system approval and they condemned it because they wanted more surveys done. At that point they hired Ogden Engineering to do the calcs on the box culvert, he shot the land and the sewer system was fine. At this time, his son is possibly looking at putting in solar energy and it would be back into the floodplain according to this map. If you look, there is a dam there and you can see a light gray area, where the water is, how they highlighted it. You can see up toward his house, it's darker blue, but there is a corner of the dam, the water that comes out of the floodplain. The elevation is flatter there than going up towards his house. He is afraid that if he has a new replacement system that he might end up in this floodplain again and would have to go through the whole engineering and everything else. He coincidentally came across a retired FEMA person. He explained to them how the maps became. It was after Katrina down in New Orleans. They did these maps, just did a tropical, highlight it and sent it to each County to approve it. He is asking what the procedure is to get his and his son's back to normal and not in the floodplain. He stated a building site wasn't the problem. It was the sewer site on the hillside. He spent over \$5,000 just to get approval. Sanden stated he has heard a lot of these stories. Mr. Huppert stated in the future he would like to put up solar panels and the gentleman that came out and explained to him for the south exposure and where they would like to put them is in the blue area. There is no structures south of this, if water ever got up to Highway 10, Red Wing, MN would be under water. Chairperson Gulbranson asked where is the pond, don't you have a pond there. Mr. Huppert showed where the pond area is. Chairperson Gulbranson stated wouldn't that make it narrower since you have a pond. So they know that. Mr. Huppert stated it's highlighted. Obviously it's going up closer to his house which is a steeper bank than what the field is. It's incorrect. Roy stated he doesn't know what was submitted to the DNR with the map amendment. What needs to happen is what is called a LOMR, a letter of map removal, to get it out of the floodplain. No one can look at this and say it will be approved or it won't. It's all what the numbers say. The process when these maps were adopted would have been 2011. Mr. Huppert stated it's quite obvious with the water flowing from the north to the south and nothing is marked north of Highway 10. Adank stated if he got a LOMA that should be good. Roy stated that you said it didn't get removed from the floodplain. Mr. Huppert stated it was removed for flood insurance. The system had passed because Ogden did enough calculations to prove water wouldn't get up to it. That was FEMA's part. Wisconsin DNR approved it once Ogden did the calculations and the survey to show where the highest waterline could be and where the sewer system was. Adank stated since that time though, a LOMA isn't

just a flood insurance study. LOMA changed and should be for both the insurance and floodplain now. Roy stated we will look into it and see what's on file. Did anything get filed with us? Did he file the LOMA? Mr. Huppert didn't know. Pichotta stated this is only one example of many. Basically a lot of the maps generated simply by aerial topical maps. In a year LiDar, accurate floodplain maps. We are working for better maps for the County. (Sorry Andy, you were cutting out on the recording)

Chairperson Gulbranson asked if Gary built a solar panel on the floodplain, what happens? You have to get a permit for solar panels? Roy stated that is considered a structure and we couldn't permit it in the floodplain. Mr. Huppert stated right where the water is on the pond, there is the actual structure of the dam, then there is the back slope that goes up toward the building site and that is where they suggested it's most beneficial to put in solar panels but that would be in the blue. Chairperson Gulbranson stated and that is steeper than the other side. Mr. Huppert answered yes. Chairperson Gulbranson stated you guys might have a solution? Roy stated we might, it depends on what was submitted, how big of an area got the LOMA the first time. Without knowing that we really can't give you an answer. Mr. Huppert stated he understands the procedure. Chairperson Gulbranson stated this committee needs to approve this so the flood insurance doesn't get cancelled for the County. Sanden asked if staff would be able to help them out and guide him through this? Sanden stated we feel for you. We see a lot of this. Mr. Huppert stated he totally understands. He has talked to other people and a lot of times this Brandon King has a record of just being able to do the surveying without the calcs but for some reason this gentleman at Wisconsin DNR wanted the calculations. **Chairperson Gulbranson closed the public hearing. Sanden moved to approve the floodplain ordinance with the proposed revisions and forward a recommendation to the Finance and Personnel Committee and County Board of Supervisors for adoption/Auckland seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining General Rural Flexible 8 District for Rumpca Excavating, owner on property located in the NE ¼ of the SE ¼ and the SE ¼ of the SE ¼, all in Section 29, T27N, R19W, Town of Clifton, Pierce County, WI.

Staff Report – Brad Roy: Rumpca Excavating owns and operates a nonmetallic mine on 80 acres which was expanded in 2002 requiring the issuance of a conditional use permit. The materials mined are gravel and limestone. The operation plan states that the 60 of the 80 acres will be mined. A policy exception, of the 100-foot setback, was granted in April, 2018 to allow for the Rumpca mine to join the neighboring Rohl mine. Much of the extraction this year was done in the Rohl mine. Attempts are being made to complete extraction from the Rohl mine as soon as possible and to complete final reclamation in accordance with the agreement between Rohl, Rumpca and the Kinnickinnic River Land Trust. The mining site has approximately 10 unreclaimed acres. Access to the mine is off of County Road MM. Portable crushing equipment is brought in to make C/5 Gravel, Recycled C/5 and Screened Hard Rock and trucks are used to haul the product. Blasting infrequently takes place on this site. No explosives are stored onsite. The operator has removed approximately 50 to 60 feet of material to a depth of approximately 990 feet. Groundwater elevation is approximately 850 feet. Hours of operation are 7:00am to 6:00pm, Monday through Friday and 7:00am to 4:30pm on Saturday. Blasting is between the hours of 8:00am to 4:00pm, Monday through Friday. Crushing is between the hours of 7:00am to 4:30pm, Monday through Friday. A 100-foot setback has been maintained for all extraction in all areas of the property except for the portion which borders the Rohl mine. A scale and scale house are located on the site. Staff has received concerns from a property owner west of the site off of County Road MM regarding the amount of trucks traveling on the road. The Pierce County Highway Commissioner has also inquired about the operation due to road damage. The Commissioner is examining the situation. Staff has proposed a new condition requiring a road agreement with the Pierce County Highway Department. Rumpca Excavating does not have any concerns about the new proposed condition. Staff has contacted the Town of Clifton Chairperson, there were no concerns or complaints reported. No well tests have been submitted. The operator has not blasted since prior to 2005. In 2006, the permit condition related to well tests was worded as: "Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation. This should be completed prior to blasting. This condition should apply to future mining operations." Past department practices have excused the well testing requirement for operations in which blasting has not taken

place and having sufficient separation from ground water. Staff is proposing new language related to well testing to standardize the process for mining operations. Based on advice from Corporation Counsel, staff is not recommending any conditions which require the permitting or compliance with other agencies, organizations, or departments regulations or rules. The current conditions are listed in the staff report #1 - #14.

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, renew this conditional use permit with the following conditions: The changes to the conditions are removing the old condition #1 due to Corporation Counsels advice. A change to condition #4, which was read, we have modified it again since we put it in there.

1. A 100-foot setback shall be maintained from all property lines for all mining activities. Unless granted an exception from the Land Management Committee.
2. Applicant shall comply with PCC Chapter §242 Annual Reclamation Permits.
3. Property owners located within 1000 feet shall be given adequate notice, at least 48 hours of any blasting, and all blasting shall be done by a certified state licensed blaster.
4. **Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all wells within 1000 feet of the proposed mining operation, prior to any blasting and after the initial blast. Tests shall be conducted annually, thereafter, as long as blasting continues. If blasting ceases, tests shall be conducted annually for two years after the most recent blast. Well tests shall be conducted prior to the initial blast, and annually thereafter, when blasting is resumed after a break of more than one year.**
5. The applicant shall notify the Zoning Office if groundwater is encountered.
6. Dust control measures shall be implemented along haul roads.
7. Hours of operation are 7:00am to 6:00pm, Monday through Friday and 7:00am to 4:30pm on Saturday.
8. Recycling of concrete, asphalt and bricks into Class five materials is allowed.
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 renewal shall expire in two years.
12. A new reclamation plan shall be completed if extraction differs from the approved plan on file.
13. Any expansion or intensification shall require a new conditional use permit and potentially a rezone depending on the intensity of the use.
14. **The applicant shall enter into a road agreement with the Pierce County Highway Department if deemed necessary by the Highway Commissioner.**

They are adding condition #14. The thought on condition #4 is, if you blast, you do a test before, a test after the blast and each year for two years after. Then if no blasting happens, you can take a break. But then the requirements start up again. The same requirements would come into play once blasting starts again. Sanden stated the way it was originally written it would be mandated you would have to test every four years forever. Roy stated yes. Chairperson Gulbranson stated so this language we could use that for other mines when they come up. The same language or pretty much the same. Roy stated their hope is to be able to take this and paste it into every one that we renew. Chairperson Gulbranson stated so one doesn't think they are getting picked on. Sanden asked if there is anything staff would recommend as far as the amount of trucks traveling on the road. Roy stated we have had that, he thinks they renewed the Rohl permit earlier this summer and the same thing came up. Talking with the Highway Commissioner, there isn't a lot they can do. It's a licensed vehicle, they can use the road. He thinks the big thing is that we put it in the hands of the Highway Commissioner. They are going to know more than we are if there needs to be a limit and when a limit would need to be made. He thinks this is the case where we have somebody that is working from home that wasn't and is seeing a lot of trucks that they never saw before. He doesn't know if they are operating to a higher degree than they ever have previously, maybe now it's just being noticed more. Chairperson Gulbranson stated he thinks that sentence in there from the Highway Commissioner is good, he is on the Highway Committee. **Sanden stated finding that this is not contrary to the public interest, health, safety or character of the area, he moved to approve the renewal**

of the conditional use permit for Nonmetallic Mining for Rumpca Excavating with conditions #1 - #14 with the modifications to #4 and adding condition #14/Auckland seconded. 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 for Ben Burshem, owner on property located in the SW ¼ of the SE ¼ of Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI. Staff Report – Brad Roy: The site was mined in the past, dates are unknown. Mining activities were ceased prior to August of 2001, when NR 135 took effect requiring nonmetallic mining reclamation, and was left unreclaimed. A Conditional Use Permit for Nonmetallic Mining was issued in 2006 to authorize new mining on the site. The applicant became the operator of the mine in 2018. Sand is mined from the site and waste industrial sand has been deposited in the mine. Portable processing equipment is utilized when necessary. All new mining activity has been consistent with current rules and regulations. The mining site has approximately 4 unreclaimed acres; the total extent of the mine will be approximately 6.5 acres. Access to the mine is off of 150th Avenue. Sand, screening and sizing equipment is placed on the site when necessary. There is no blasting on this site; sand is extracted with excavating equipment and trucks. There are numerous residences located within close proximity to the site; staff has not received any complaints about this operation. A 100-foot setback will be maintained from property lines for all new extractions. Staff has contacted the Town of Isabelle Chairperson regarding this renewal. No concerns or complaints were reported. Based on advice from Corporation Counsel, staff is not recommending any conditions which require the permitting or compliance with other agencies, organizations, or departments regulations or rules. The current conditions are listed in the staff report #1 - #7.

Staff Recommendation: Staff recommends the Land Management Committee consider the above and if it is found that no changes or modifications are necessary to protect the public interest, public health, safety, or character of the area, renew this conditional use permit with the following conditions: The only change was to remove the old condition #2 per Corporation Counsels advice.

1. Hours of operation remain consistent with daylight hours Monday through Friday, Saturday hours will be 8:00am – 4:00pm.
2. Applicant shall comply with PCC Chapter §242 Annual Reclamation Permits.
3. A 100-foot setback shall be maintained from all property lines for all mining activities, which includes stockpiling and equipment placement.
4. Applicant agrees that any unforeseen erosion issues that arise shall be addressed to the satisfaction of the county.
5. Reclamation shall be according to submitted plans and shall be completed within one year of ceasing mining operations.
6. This CUP shall expire in two years.

Sanden stated finding that no changes or modifications are necessary to protect the public interest, public health, safety or character of the area, he moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Ben Burshem with conditions #1 - #6/Auckland seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

One item for November 4th, public hearing in the Town of Salem for Wieser Concrete for expansion of a nonconforming structure.

Motion to adjourn at 7:17pm by Sanden/Auckland seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, October 7, 2020 – 6:00 p.m.
Annex Conference Room, Pierce County Courthouse Annex,
124 N. Oak St. Ellsworth, WI 54011 (Entrance by Holiday)**

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: October 21 st , November 4 th & 18 th , all in 2020.	Chair
3	Approve minutes of the August 19 th and September 2 nd , 2020 Land Management Committee meetings.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Agritourism in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-35B(1), for Dawn Stewart and Kerri Harting, owners on property located in Lot 3, Certified Survey Map (CSM) V8, P150, in the NE ¼ of the SW ¼ of Section 18, T27N, R19W, Town of Clifton, Pierce County, WI.	Adank
5	Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business for Huppert Transport in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-36D, for Prairie View Farms Inc, owner on property located in the SE ¼ of the SE ¼ of Section 30, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Adank
6	Public hearing to consider and take action on a request for a conditional use permit for a Farm and Home Based Business for Big River Dirt Works, in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-36D, for Prairie View Farms Inc, owner on property located in the SE ¼ of the SE ¼ of Section 30, T26N, R18W, Town of Trimbelle, Pierce County, WI.	Adank
7	Public hearing to consider and take action on a request for a conditional use permit for Sludge Disposal in the General Rural Flexible District by David Sauer, Cedar Corporation, agent for Ralston Purina & Nestle Purina Petcare Co, on property owned by William E. Schroeder, located in parts of the N ½ of the SW ¼, SE ¼ of the SW ¼, and most of the N ½ of the SE ¼ of Section 29, T25N, R17W, Town of Hartland, Pierce County, WI.	Lund
8	Public hearing to consider and take action on proposed floodplain (zoning ordinance and/or map) revisions that are required by state and federal law, for Piece County Code Chapter 238, Floodplain.	Roy
9	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural Flexible 8 District for Rumpca Excavating, owner on property located in the NE ¼ of the SE ¼ and the SE ¼ of the SE ¼ all in Section 29, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
10	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District for Ben Burshem, owner on property located in the SW ¼ of the SE ¼ of Section 5, T24N, R17W, Town of Isabelle, Pierce County, WI.	Roy
11	Discuss take action on Travel/Training Requests.	Pichotta

12	Future agenda items.	Pichotta
13	Adjourn	Members

A quorum of County Board supervisors may be present.

(9/25/20)

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, September 2, 2020

Present: Jeff Holst, Jon Aubart, Neil Gulbranson, and Eric Sanden

Others: Andy Pichotta, Brad Roy, Adam Adank and Shari Hartung

Excused: Joe Fetzer

Acting Chairperson Jeff Holst called the Pierce County Land Management Committee meeting to order at 6:00pm in the County Board Room, Ellsworth, Wisconsin.

Next meeting dates: September 16th, October 7th & 21st, all in 2020.

Approve Minutes: No action taken as minutes of the lengthy August 19 meeting are still being generated.

Chairperson Holst stated we will hear Agenda item #7 first because there is public here for this item.

Discuss take action on potential modification of a conditional use permit for Nonmetallic Mining for B.S. Construction Inc. and Steve Schoeder Properties, on parcels located in the SE ¼ of the SE ¼, Section 15 and the N ½ of the NE ¼, Section 22, T26N, R15W, Town of Rock Elm, Pierce County, WI.

Staff Report – Brad Roy: B.S. Construction/Steve Schoeder Properties owns a mine which was expanded in 2006. At that time, the mine operator and the Syllas agreed to allow mining within 50 feet from the property line as long as the mining did not encroach within 400 feet from the house and peak particle velocity would not exceed .35 inches per second. Last year, a partial face blast was conducted and was designed to stay under .35 peak particle velocity. The reading at the Sylla residence was .64. Other nearby graphs showed peak particle velocity below .35. Condition #13 was added to require a signature hole be conducted and the results presented to the LMC prior to any production blast. Bechel Sand and Gravel have a lease with the owners and scheduled a signature hole blast on August 20, 2020. The blaster believes that they should be able to limit the peak-particle-velocity to .35 for future blasts, because of the information obtained from the signature hole. The Sylla's continue to be concerned about the effects of the blasts to them as well as their structures. As the blasting gets closer to their residence they believe that higher peak particle velocity will make the blasting less tolerable to them. The blaster (Terry Johnson, Quick Supply Co.) believes that future blasts can now be specifically designed for this site to limit the peak particle velocity to .35. He stated this will help the blasting process for the site and produce better results for the mine operators and the surrounding land owners. Bechel Sand and Gravel would also like to modify Condition #1 to allow them to haul one or two loads of material from the site on Saturdays without giving notice. They will continue to provide notice for more intensive work on Saturdays. The existing conditions are listed #1 - #13 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether established conditions continue to be adequate or whether additions and/or modifications are necessary. If no additions or modifications are necessary staff recommends the LMC renew this permit with the following conditions:

1. Hours of operation shall remain consistent with daylight hours or Monday through Friday, 6:00am – 9:00pm during the construction season with an occasional Saturday, 6:00am to 6:00pm, property owners within 300 ft and Mr. Huebel shall be notified in advance of Saturday operation hours.

Hauling of one or two loads of material does not require notification.

2. Applicant shall receive all necessary permits from other agencies.

3. The reclamation financial assurance information shall be kept current and approved by Corporation Counsel
4. Applicant shall comply with DNR NR 135 Annual Reclamation Permits (Ch 241 PCC).
5. Applicant shall identify blasting frequency and all blasting shall be done by a certified state licensed blaster.
6. Property owners located within 1000 feet shall be given adequate notice (7 days) of any planned blasting. Peak particle velocity shall not exceed .35 inches per second.
7. 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. This shall be completed prior to blasting and every two years thereafter.
8. Dust control measures shall be implemented when necessary. The operator will water when necessary.
9. This CUP shall be renewed every two years.
10. 50 foot setback shall be maintained from all property lines and a 400 foot setback shall be maintained from all existing dwellings.
11. A vegetative buffer shall be established to screen adjacent residences.
12. Operator shall ensure that fly-rock does not negatively impact adjacent properties.
13. A signature hole blast shall be conducted prior to any other production blast. Results shall be presented to the LMC to determine if any modifications to the permit are necessary.

Pichotta stated he has a couple things to add. In the committee's packets are a Power Point Presentation from Terry Johnson, the blaster, as well as an explanation of what those slides are. There is also in the packets, an email he received from the Sylla's last night. The Sylla's are here and he imagines they will reiterate what they have sent. Chairperson Holst stated he see the Sylla's letter and they are not asking for anything that is extraordinary. In his mind, the quarry operator should apply calcium chloride or something to the road to keep the dust down or water the road. It would be better if he just put it on in the spring and then he is done for the season. He also doesn't think asking to be notified for a load here and there is that big a deal. What does the committee have to say? Gulbranson asked if they have to notify right now on Saturdays. Mr. Sylla stated yes. Gulbranson asked if they call them. Mr. Sylla stated not necessarily but it would be nice if it would happen because his wife has had a stroke and she is very nervous about surprises, things that she is not aware of. Even if they knew on Saturday morning but didn't find out until Saturday morning that he was going to have to haul a load or two, just give us a call and let us know. We are almost always home and if we aren't it will go to voice mail and at that point it is on us to listen to our voicemails. Aubart stated he doesn't see that as being a problem. Chairperson Holst stated do we need a condition #13 or #14. Aubart stated condition #1 should take care of it if we just take the last sentence off. Pichotta stated dust control is addressed in condition #8, we just have to emphasize that with the operator. Chairperson Holst stated to Sylla's when they don't do that next year, you call us and we'll pull their permit and then they will start doing it. Mr. Sylla stated sounds good, thank you. Sanden asked if memory serves, it seems like there was that discrepancy last time that this came up between the readings at the residence versus at the quarry. Has there been any indication as to why there is such a discrepancy. This is almost double the reading. Roy stated he doesn't know if they ever figured out why but that was part of the importance of getting the signature hole. So now that they can, he doesn't know everything about the signature hole or the science behind it, but basically, after that was blasted, he spoke to Terry, the blaster, and asked are you confident now that you can stay under .35 and he said yes, they are very confident with the readings they got from the signature hole, now they can do more with the detonators to time it. They know how far they should put the explosive in the holes, how many holes they will need. They just know a lot more about that site now. Sanden stated it sounds like the signature hole is just investigating what the profile of the site is, better. Roy stated yes. Lastly, on #11, the vegetative buffer, this has been active since 2006, isn't that buffer already established? Roy stated yes. Sanden asked if we should strike that then. Roy stated we can. Sanden stated or maybe just say "should be maintained." Mr. Sylla stated actually there is no buffer except that they planted pine trees all along their yard so they are screened by their property. Roy asked if they put a berm up. Mr. Sylla stated there is a berm part way, not all the way through it. In fact, as they got closer to their place, they discontinued putting the berm up. That is a little bit scary because you could just walk off their property

right into the hole. I would hope no adult would do that but some kid might. Even if you have a berm that has a whole bunch of weeds growing. We don't like weeds but that's a lot better than having somebody walk off the edge of the cliff. Pichotta stated we will make sure, there is supposed to be a 50-foot setback maintained from all property lines. We will make sure the 400 foot setback is being adhered to also. Pichotta asked Adam to check into the setbacks.

Sanden moved to approve the request for modification of a conditional use permit for Nonmetallic Mining for BS Construction Inc and Steve Schoeder Properties with conditions #1 - #12, leaving condition #1 as it originally was and modifying condition #11 to read "a vegetative buffer shall be maintained"/Gulbranson seconded. All in favor. Passed.

Discuss take action on a request for modification of a conditional use permit for Belle Vinez Winery, a conditionally permitted use, in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-76A, for Shannon and Angel Zimmerman, owners on property located in the SW ¼ of the NW ¼ of Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.

Staff Report – Brad Roy: The applicant received a CUP to establish "Belle Vinez" winery with incidental food service in August of 2013. The operation opened to the public in May 2015. The operation includes a tasting room, kitchen, dining area, restrooms and offices/conference rooms. Last year Condition #10 was modified to allow for extended hours for special events. The applicant recently constructed an open-sided pavilion that is intended to be used for weddings and special events. (Condition #6 mentions a pavilion); this refers to the main lounge of the winery. The applicant originally referred to the main winery structure as a "pavilion"). The applicant would like to be able to continue normal operations while holding a wedding/special event. Modifications to the existing conditions are necessary to enable this. Special events are noted in the conditions with modified hours (Condition #8) and compliance with all other conditions of the permit (Condition #14). If the applicant were to host a special event at the newly constructed pavilion – the seating capacity condition (Condition #6) for the main structure, also referred to as a "pavilion", would require the winery to be closed to the public. The applicant is proposing a modification to Condition #6 so that it refers specifically to the normal winery operations and not special events. The applicant is proposing to modify condition #6 to state, "Seating capacity for the winery shall not exceed 120." This would allow the winery to continue normal functions and capacity at the same time as weddings/special events are held. The applicant anticipates that the average wedding/special event in the new pavilion would have approximately 150 people. Weddings/special events using the pavilion will be catered, limiting the use of the main facility. The need for additional parking will initially be achieved by delineating additional spaces on the mowed lawn area. The proposed modifications would allow for many more customers/visitors on site and may potentially require modification of other conditions relating to available parking (Condition #5) and noise (Conditions #12 and #18). Condition #14 may need to be modified as well. The tasting room is permitted to be open seven days a week. The hours of operation are 11am to 9pm. Off-sale wine and other various crafts are sold in this area. Only appetizers are served in the tasting room. Customers of the tasting room are able to use the plaza and lounge for seating. The pizza service is open Thursday through Sunday with hours of operation being 11am to 9pm with light out by 10pm. The lounge has a 120-person seating capacity for food service. Limited seating can be moved to the plaza depending on the weather. Food items will only be available to those at the dining tables. Patrons of the winery who are on the plaza would not be served food, unless seated at a table. Hours for special events are 11am to 11pm with lights out by 12am. No parking is allowed on 875th Ave and signs are posted in the parking lot about the need for reservations and the no street parking requirement. A sound system plays light music and all speakers are located within structures. The applicant presented the proposed modification to the Town of Clifton on June 2, 2020. The Town did not have any concerns about the proposal. Existing conditions are listed #1 - #19, in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether any additions or modifications to the established conditions are necessary to mitigate impacts to neighboring properties. If no additions or modifications are necessary, staff recommends the LMC renew this permit with the following conditions:

1. Activities shall be conducted consistent with the application unless modified by another condition of this approval.
2. Applicant shall obtain all necessary permits for any future structures or signs not presented in this plan from the Zoning Office.
3. The winery shall produce “wine” as defined by the State of Wisconsin.
4. Applicant shall develop and implement a Waste Stream Management Plan which is compliant with DNR and DSPS regulations.
5. The parking lot shall have at least 71 parking spaces. **An additional 50 parking spaces for special events shall be added or shall be delineated as required.** There shall be no on-street parking.
6. Seating capacity for the ~~pavilion and plaza~~ winery shall not exceed 120.
7. Applicant shall install signs detailing the need for reservations and no parking on the street.
8. Hours of operation shall be 11am to 9pm. Hours of operation for special events shall be 11am to 11pm with lights out at 12am.
9. Full menu food service (pizza and appetizers) may be provided Thursday through Sunday. Hours of operation shall be 11am to 9pm with lights out by 10pm. Limited menu food service (appetizers only) may be provided in the tasting room during regular hours of operation.
10. No beer or liquor shall be served in the tasting room.
11. Lighting shall comply with the Land Management Department policy.
12. Sound system shall only be within the structures.
13. No audio bird repellent shall be used onsite.
14. ~~Weddings and special events must be conducted consistent with the other conditions of this permit.~~
15. This Conditional Use Permit shall expire in 2 years. Permit may be renewed administratively if no compliance issues arise.
16. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.
17. Applicant shall adhere to the approved Food and Wine Plan and shall ensure that food operations remain incidental/subordinate to winery operations.
18. ~~Sound shall be limited to no more than 80 decibels at the property line.~~ **Amplified sound shall be limited to no more than 80 decibels at any location.**
19. Promoted access route shall be along County Road M.

Sanden stated if he is understanding this correctly, then this new pavilion in which they want to have the weddings, there would be no limitation. Roy stated no, they wouldn't. In his discussion, the limitation would be just the operation. If somebody wanted to have a 500-person wedding, they just don't have the means to accommodate that. Sanden asked if the pavilion is attached to the building, couldn't somebody read that as it's part of the winery? Roy stated it's not attached to the building. It is out in the middle of the vineyard. Sanden asked if that required a special permit? Roy stated it did not. We issued the permit and then with our new site plan, approval administratively, we were able to do it. Use of it in this capacity required these changes but the construction could be permitted. Sanden stated there have been no complaints? Roy stated no. Aubart stated so there is no limitation on the number of people in the new pavilion. Roy stated no, we can establish one. Chairperson Holst stated that would be a nice place for that chili feed. Gulbranson stated 150 they are talking about but they are not saying that. Aubart stated so then you are more than doubling your capacity. Roy stated it's a 40ft x 60ft pavilion. Sanden stated if they were to have a wedding and their normal operations, they could conceivably have 270 people. Aubart stated the issue he sees is the access, they are still going through the winery. Gulbranson, do they walk them through it? Pichotta stated the lighted walkway attaches to the patio area. Sanden stated given that they have had a good history, he isn't too worried about it but if it was issued administratively and it was a big problem, could we bring it back? Pichotta stated yes, absolutely. Gulbranson asked if Andy was OK with the number of people. Pichotta stated he thinks so, we have the means to address issues if they pop up, we can have them in here in two weeks. The fact that the neighbors are OK with it. The Town is OK with it. We haven't had any complaints. Gulbranson asked if they sell liquor and booze out there?

They can sell it over the bar? Roy stated no. Chairperson Holst asked if they have a Class A License. Roy stated whatever license they applied for would allow them to serve liquor, but in all his talks with them, they've always said that their focus was on wine. Chairperson Holst stated if wine is their number one thing, it's kind of silly to push booze.

Gulbranson moved to approve the modification of the conditional use permit for Belle Vinez Winery, for Shannon and Angel Zimmerman, with conditions #1 - #18, striking condition #14. Roy stated this got renewed in February, we could do a status report at the end of next summer because they aren't going to do any weddings this summer. That would give them a summer of wedding seasons and see how it works and see if we need to make any changes. Chairperson Holst stated there is getting to be so many of these wedding venues around, right now they are making a ton of money doing it, pretty quick they are going to have to start lowering their price. **Gulbranson moved to approve with conditions #1 - #19, striking condition #14 and modifying conditions #5, 6 & 18/Sanden seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining (Gilles Quarry) by American Materials, agent for Muskie Proppant LLC, owner on property located in the NE ¼ of the NW ¼ and the W ½ of the NE ¼ of Section 23, T25N, R15W, Town of Union, Pierce County, WI.
Staff Report – Adam Adank: This mine was originally permitted in 1978. American Materials received an updated permit in 1998. All permits have been kept current since that time. The operation involves mining dolomite/limestone and subsequent crushing and sizing. Muskie Proppant is the property owner and American Materials is the operator. The mining site has approximately 9 unreclaimed acres. The original surety bond was submitted in 1999 for the amount of \$5000.00. The current bond is \$5000.00. A new surety bond should be submitted to reflect cost inflation and increased active acres. Overburden is stored onsite. Extraction is completed with drilling and blasting. All blasting done by a certified blaster. Portable equipment is brought to the site for processing. The highwalls on the site are currently approximately 40 feet in height. There has been no blasting on the site since 2007, so no well samples have been collected since that time. Hours of operation are 6:00am to 9:00pm, Monday through Friday and 6:00am to 12:00pm on Saturday. Renewal fees for this mine are \$200 + \$20 per acre of expansion. No complaints have been received about this operation. Staff spoke with Town of Union Chairperson, William Bechel, regarding this renewal Mr. Bechel stated that the town has not received any complaints since the last renewal and has no concerns at this time. The existing conditions are listed #1 - #10 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether established conditions remain adequate to protect the public interest, public health and safety, and the character of the area. If no additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions (**proposed changes in bold**):

1. Applicant shall follow all recommendations and receive all necessary permits from other agencies.
2. A 100-ft setback shall be maintained from all property lines for all mining activities.
3. Applicant shall comply with DNR NR 135 Annual Reclamation Permits.
4. Property owners located within 1000 feet shall be given adequate notice, at least 48 hours, of any blasting, and all blasting shall be done by a certified state licensed blaster.
5. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all wells within 1000 feet of the mining operation before blasting commences and annually thereafter. Applicant shall not be required to test wells on properties where owners have not granted access.
6. Hours of operation are 6:00am to 9:00pm, Monday through Friday and 6:00am to 12:00pm on Saturday.
7. Reclamation shall be according to submitted plans.
8. **An updated surety bond shall be submitted within 6 months.**
9. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
10. Applicant shall pay renewal fees.
11. This CUP shall expire in two years.

Aubart asked about the well testing and if they haven't tested since 2007, is that really in line with #5, annually. It doesn't say if they stop and for how long. Even though they are not blasting, that doesn't mean the wells can't have issues. Are you establishing a new base line? Why aren't we requiring them to continue testing even if they aren't blasting. Roy stated that is just the practice that our office has had. Chairperson Holst stated past practice. Roy stated he doesn't have anymore of a rationale than that. A mine like this that is so sporadically used. If you blast once. Aubart asked if you get any leaching? If it's just sitting there vacant is it worse? Chairperson Holst asked if there was water on the floor? Roy stated no, it's internally drained. Gulbranson stated it's kind of up the hill, isn't it? Roy stated it is, you probably go up a good 50 feet. Pichotta asked if the committee recalled that they had proposed to mine frac sand on property next to this mine and there was 140ft of overburden before they actually got to minable sand. There is substantial separation from groundwater. Chairperson Holst stated this is a can of worms and if we open it up on this one, we have to do it to everyone. Pichotta stated typically we have only required it before blasting to establish a baseline. Chairperson Holst stated when they blast, we sample the water, we have a baseline established already. When they blast we sample the water to see if any issues have arisen. Now these people that have bad wells, they aren't going to let them test anyway because, we have a bad well and we don't have the means right now to re-drill. He doesn't think we can go back to 2007 and use that as the baseline any more. Pichotta stated if they are going to blast, they would have to test prior to blasting. Gulbranson asked if there is even anybody within 1000 feet of that. Roy stated there might not be. He knows this operator would not have any issues. If you want the wells tested, they aren't going to argue. Aubart stated if they resume blasting, then you test again before. Roy stated we could modify a condition that states before the next blast, well testing to establish a baseline. Aubart stated the argument, if I was the operator, I would say "I did do that before I started blasting eight years ago." Sanden stated the way condition #5 is written, it does sound like they have to test annually no matter what. After the very first blast ever takes place it looks like the way it is worded they would have to test every year. Aubart stated that is the way he read it. Chairperson Holst stated they had to test annually whether they blasted or not, is that your interpretation. Gulbranson stated after they blasted. Sanden stated it says annually thereafter, thereafter is open. That means until forever. Pichotta asked if they want to establish a timeframe. Do you want to say for five years after blasting or do we want to have it annually forever moving forward? Chairperson Holst stated for some of these mines that stay dormant for such a long period of time, it's a financial burden on the mine operator unless there is a sink hole issue or something like that. He does think it's a good thing prior to the next blast to establish a baseline and then test it and maybe do it for that five years after. Pichotta has two suggestions on modifications on #5, Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all wells within 1000 feet, now do they have any test well on site where they can establish the baseline or is it just adjoining properties within 1000 feet. If there isn't any, you would need test wells. Chairperson Holst stated he thinks this is a moot point because there isn't anyone within a 1000 feet but at some point and time there can be somebody within 1000 feet. Pichotta stated instead of two, at the end of that say "and annually thereafter. Staff shall be notified prior to any blasting." Then we know to tell them there needs to be a baseline established to make sure they are aware. Chairperson Holst stated they have access to Highway 10. There is a road but it is on someone else's property. Pichotta asked if the committee wants to modify condition #5. Aubart stated he likes Andy's language because it leaves it open and give you some leeway as to what they want to do. Chairperson Holst stated this will establish the template for future conditional use permits. Gulbranson stated he likes when we have a standard policy to go by on everything. Chairperson Holst stated it makes it cleaner.

Aubart moved to approve the renewal of the conditional use permit for Nonmetallic Mining for American Materials, agent for Muskie Proppant LLC, owner, with conditions #1 - #11, modifying conditions #5 & #8/Sanden seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining by the Pierce County Highway Department, agent for Gregory Bisel, on property located in the W ½ of the NW ¼ of Section 5, T25N, R16W, Town of Salem, Pierce County, WI. Staff Report – Adam Adank: Greg Bisel has been the owner of this property since 1994 and up until recently had a mineral lease agreement with the Pierce County Highway Department to mine the quarry. In January of 2020, Mr. Bisel sold 150 acres to the

Highway Department which included the mine. The Pierce County Highway Department has been the operator of this mine since 1990 and is now also the owner. The previous lease agreement encompassed a total of 70 acres located on all of Greg Bisel's property located in the NW ¼ of Section 5. However, the parcels of land that were permitted under the CUP to be mined were only located in the W ½ of the NW ¼ in Section 5, Town of Salem. The Pierce County Land Management Department recently mapped the footprint of the mine and found that mining has expanded outside of the permitted mining area. After speaking with the Highway Commissioner, staff found that the Highway Department has been operating under the assumption that mining was approved for all of the 70 acres when in fact, it was only permitted for the W ½ of the NW ¼ in Section 5. The expansion was not noticed in time to be addressed before this CUP renewal but will need to be resolved in the near future. The active mining area is approximately 12 acres. The existing highwalls are approximately 100 feet in height. The original plan states that the mine will be restored to slopes of 3:1. Storage of the product is in the active mine as well as on an adjacent property across Hwy 10. The adjacent property is considered to be pre-existing, nonconforming use. No washing takes place onsite. The operation typically removes 30,000 to 40,000 tons of material each year. Blasting takes place dependent upon when material is needed. Hours of operation are listed. There have been no erosion issues on the south wall facing Highway 10. Staff spoke with Town of Salem Chairperson, Jason Shingledecker, regarding the renewal of this conditional use permit. Mr. Shingledecker stated that the town has not received any complaints since the last renewal and has no concerns at this time. The existing conditions are listed #1 - #12 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether established conditions remain adequate to protect the public interest, public health and safety, and the character of the area. If no additions or modifications are deemed necessary, staff recommends the CUP be renewed with the following conditions (**proposed changes in bold**):

1. Hours of operation shall be 7:30am to 3:30pm, Monday through Friday, except in June, July, and August; hours of operation shall be 6:00am to 6:00pm.
2. A 100-foot setback shall be maintained from all property boundaries. In areas where prior mining has extended within this setback no further encroachment shall occur.
3. Reclamation of the mine shall adhere to the original plan which states that slopes shall be restored to 3:1. Due to the location of the northern highwall and the potential for land development on the northern adjacent parcel highwalls or steep slopes would create unsafe conditions.
4. The owner shall notify the Zoning Office when the operator of the mine is no longer a public entity. Modifications to the permit may be required at that time.
5. Applicant shall comply with NR 135 Annual Reclamation Permits.
6. All blasting shall be done by a certified state licensed blaster.
7. Residential property owners located within 1000 feet of mining operations shall be given a two-day notice of any planned blasting.
8. Well tests for nitrates, suspended solids, and dissolved solids shall be conducted for all existing wells within 1000 feet of the proposed mining operation annually.
9. Any unforeseen erosion issues shall be addressed to the satisfaction of the Zoning Office or the Land Conservation Department.
10. Applicant shall receive all necessary permits from other agencies.
11. This CUP is valid for two years and may be renewed upon request. The owner/operator is responsible for requesting renewal. Operations conducted without a valid permit shall be subject to enforcement action.
12. A renewal fee of \$200.00 plus \$20 per acre of expansion shall be paid.
13. **A CUP for expansion shall be submitted within 6 months.**

Chairperson Holst stated that is the way we would handle this with anyone, correct. Pichotta stated yes, and looking at condition #13 it should say a "CUP application for expansion".

Sanden moved to approve the request for renewal of the conditional use permit for Nonmetallic Mining for Pierce County Highway Department with conditions #1 - #13, modifying condition #13 to read "A

CUP application for expansion shall be submitted within 6 months.”/Aubart seconded. All in favor. Passed.

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

Departmental Update and Future Agenda Items

We have the potential for a busy meeting on October 7th. We have to do a repeal and recreate of our Floodplain Code. It’s mandated by FEMA and the DNR and in order for our folks to receive flood insurance. We have very little discretion in what is contained in the ordinance. Basically, the DNR has provided a model ordinance and we are making sure that everything that is in it, is actually required by NR 116. We are going to propose to adopt only what is mandated.

Public hearing on a request for a conditional use permit for Agritourism for Stewart/Harting which you recall we issued a CUP for them some time ago. The Pierce County Journal did not publish our public hearing notices as required so we have to do it again. Chairperson Holst asked if they charged us. Pichotta stated they charged us for the one time.

Public hearing for a Farm and Home Based Business for Huppert Transport/Prairie View Farms in the Town of Trimbelle.

Public hearing request for a conditional use permit for a Farm and Home Based Business for Big River Dirt Works/Prairie View Farms also in Trimbelle.

Potential public hearing for Sludge Disposal for Nestle Purina in Hartland Township.

Renewal for two different mines, one being the Rumpca Mine and one being the Ben Burshem on a mine located in the Town of Isabelle.

Motion to adjourn at 6:50pm by Gulbranson/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, September 2, 2020 – 6:00 p.m.
Seyforth Building, Pierce County Fairgrounds,
364 N. Maple St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: September 16 th , October 7 th & 21 st , all in 2020.	Chair
3	Approve minutes of the August 19, 2020 Land Management Committee meeting.	Chair
4	Discuss take action on a request for modification of a conditional use permit for Belle Vinez Winery, a conditionally permitted use, in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-76A, for Shannon and Angel Zimmerman, owners on property located in the SW ¼ of the NW ¼ of Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
5	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining (Gilles Quarry) by American Materials, agent for Muskie Proppant LLC, owner on property located in the NE ¼ of the NW ¼ and the W ½ of the NE ¼ of Section 23, T25N, R15W, Town of Union, Pierce County, WI.	Adank
6	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining by the Pierce County Highway Department, agent for Gregory Bisel, on property located in the W ½ of the NW ¼ of Section 5, T25N, R16W, Town of Salem, Pierce County, WI.	Adank
7	Discuss take action on potential modification of a conditional use permit for Nonmetallic Mining for B.S. Construction Inc. and Steve Schoeder Properties, on parcels located in the SE ¼ of the SE ¼, Section 15 and the N ½ of the NE ¼, Section 22, T26N, R15W, Town of Rock Elm, Pierce County, WI.	Roy
8	Discuss take action on Travel/Training Requests.	Pichotta
9	Future agenda items.	Pichotta
10	Adjourn	Members

A quorum of County Board supervisors may be present.

(8/24/20)

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
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MINUTES - Pierce County Land Management Committee Meeting, August 19, 2020

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

Others: Andy Pichotta, Brad Roy, Adam Adank and Shari Hartung

Chairperson Joe Fetzer called the Pierce County Land Management Committee meeting to order at 6:00pm in the Seyforth Building at the Pierce County Fairgrounds, Ellsworth, Wisconsin.

Next meeting dates: September 2nd & 16th, October 7th & 21st, all in 2020.

Approve Minutes: **Sanden moved to approve the August 5, 2020 Land Management Committee**

minutes/Aubart seconded. All in favor. Passed with Jeff Holst abstaining because of absence at the last meeting.

Public hearing to consider and take action on a request for a conditional use permit for a Large Solar Energy System in the General Rural and Primary Agriculture Districts, pursuant to Pierce County Code Chapter 240-41D(3), for Western Mustang Solar LLC, agent for Behrens Revocable Trust Agreement, Norman Solberg, John & Sonya Lenarz, MarShan Farms LLC, Phillip & Judith Verges, Nord Family Trust, Mattison Special Trust, Mai Yang, James & Sandra Mason, Nicholas Dangeur & Sonja Thompson, Nils Rahm, Rush River Solar LLC, Bradley & Patricia Turner, Eric & Linda Turner, Mark & Pamela Spence, Russell M. Spence Jr & Spence Trust, owners on property located in part of Sections 3, 4, 5, 8, 9, & 10, T27N, R16W, Town of Gilman, Pierce County, WI. Chairperson Fetzer asked the applicants to introduce themselves. Emily Straka - Ranger Power, Project Developer of Western Mustang Solar, Frank Ferchowsk, Technical Expert from Stantec, Franc Fennessey – Project Representative, Jeff Rauh – Project Representative, and Michael Lokensgard – General Counsel
Staff Report – Brad Roy: Roy stated the applicant is proposing to construct a 74-megawatt (MW) alternating current (AC) solar generating facility in the Town of Gilman. The facility will have an East-West tracking solar panel system for off-site consumption. The power generated will be transmitted by a 34.5kV collection system to a substation to be developed as part of the Project. A pad-mounted step-up transformer within the project substation will increase voltage to match the nearby 161kV transmission line which will transmit the power to another substation/switching yard adjacent to the Project substation that will be developed, owned and operated by Dairyland Power Cooperative.

Additional facilities to be constructed include access roads to facilitate the erection and maintenance of the solar arrays and panels, temporary parking and an equipment laydown yard to be used during construction, and a fence surrounding the perimeter of the Project. The properties are zoned General Rural and Primary Agriculture.

Surrounding land uses are primarily agricultural (cultivated cropland, hay/pastureland) and residential. Project boundary is 1055 acres and the Project footprint is approximately 478.66 acres (45%). The proposed layout will occupy approximately 290 acres of Prime Farmland soils or Soils of Statewide Importance.

Participating landowners of the project had the ability to negotiate regarding which portions of their property would be used for the project. Staff met the applicant on various properties to determine stream navigability and the projects conformity with the Pierce County Shoreland Ordinance. As part of the application, Ranger Power submitted numerous studies and other figures. They are listed here in the report. Major components of the Project include solar modules, racking, tracking system, inverters, transformers and a Project substation. The Project area includes approximately 20 panel array areas that are separately fenced with the panels, comprising a total area of

478.66 acres. There are many different PV module offerings to be evaluated and a selection will be made based on the most cost-effective option. They are proposing setbacks of 35' from Navigable Water, from 890th Ave. – 42' from ROW/ 75' from Centerline, from 870th Ave. – 75' from Centerline, from County Highway BB – 67' from ROW/100' from Centerline, from State Highway 29 – 77' from ROW/132' from Centerline, and the Substation will be 75' to any dwelling and 50' from any residential lot line. The applicant accepted the Town of Gilman's recommendation of a minimum one hundred fifty (150) foot setback to all above ground project components from nonparticipating residences, and at least a fifty (50) feet from property lines of nonparticipating residences (excluding fences and access roads), provided that non-participating landowners have the ability to waive the recommended setbacks. Typical modules are approximately 78"x39" and weigh approximately 50 lbs. The panels will be mounted on a steel racking frame that is positioned 3'-7' above grade with a +/- 60-degree range of motion driven by electric motors. The horizontal tracker would be in its highest position during the morning and evening hours when the trackers are tilted at their maximum angle and would be a maximum of 10-12 feet above grade, and up to 4 feet above grade when tilted flat at mid-day. The panels will produce DC voltage which must be changed to AC voltage through inverters. There will be approximately 39 for the project. Construction equipment will include: graders, bulldozers, excavators, forklifts, trailers, plows, trenchers, pile drivers and directional boring rigs. It is anticipated that most equipment will be initially delivered to the Project temporary laydown areas. Equipment will be transported from the laydown yard to the appropriate construction site, as needed. The site will receive an average of approximately five to seven box trucks a day throughout the delivery period and five to seven flatbed trucks a day during the pile driving period. Roads that consist of higher capacity, will be used as much as possible. Construction activities are proposed to be conducted primarily during daylight hours, during off-peak times Monday through Friday not requiring additional site lighting. Laydown areas will be established throughout the Project sites with main laydown areas being close to site entrances and secondary laydown as required in areas local to the performance of the construction work. Internal site roads will be 16 feet wide during construction and operation. Fencing will deer exclusion fencing at a height of 7 feet. The Project substation will require a seven to eight-foot high chain link fence which may include barb wire at the top which will be 10 feet. Applicant will hire contractors to safely operate and maintain the facility. Facility will be remotely monitored 24/7. A Glare and Glint study was performed. It was determined that there would not be a negative impact to planes landing on runways facing the direction of the facility or drivers of vehicles on the roads or any homesites nearby. A sound study was also done. It determined that the background sound levels varied from 34 to 60 dBA for the varying locations and sample periods. An analysis was done for the project. The maximum sound impact at the nearest residence to a solar inverter was calculated to be 48 dBA and a maximum sound impact from the transformer was calculated to be 32 dBA. This falls within the public service commission's guidelines. Electro/Magnetic Frequency Study was also completed. The study showed there would be no impacts to residences nearby. A Vegetative Management Plan was also submitted during development and at the commencement of construction, site vegetation shall be evaluated to determine which areas will be mowed, left undisturbed or will require pre-seeding. Portions of the site that are currently vegetated and not utilized for the Project facilities or not impacted during construction will remain vegetated. Where grading occurs on site, topsoil that is shallower than the graded area shall be stripped, stockpiled, and properly attended by BMPs. Cut/fill areas shall be finish graded and seeded within 14 days of completion of the cut/fill/grading activities. Erosion control devices will be maintained throughout grading and stabilization required by DNR permits. Prior to seeding areas may be tilled to reduce compaction and better prepare the seed bed. In lieu of deep tillage, specific species may be added to the seed mixes that are capable of alleviating compaction. Deep tillage will not be conducted in non-farmed wetlands. The Project will utilize native species in the permanent seed mixtures. Species will be chosen that are appropriate for the area and solar installations. A definitive decision has not been made as to the design of the planting at this time and will be determined during the final engineering process. No permanent wetland fill is proposed as part of the construction of the Project. The Project will require temporarily impacting wetlands due to placement of both panel facilities and access roads and existing contours will be maintained within wetlands. Appropriate sediment barriers will be installed and maintained adjacent to wetlands and within workspace areas as necessary to minimize the potential for sediment runoff pursuant to the SWMP. Once permanent vegetation has been established mowing or hand pulling may be used to manage areas where invasive and noxious weeds occur. Spot-spraying should target only noxious/invasive weed species. The expected lifetime of the facility is approximately 30-40 years with an opportunity for a project lifetime of 50 years or

more with equipment replacement. Depending on market conditions and project viability, the solar arrays may be retrofitted with updated components (e.g., panels, frame, tracking system, etc.) to extend the life of the project. Decommissioning activities will begin within six months of the Project ceasing operation and are anticipated to be completed in twelve months. Access roads may be left in place if requested and/or agreed to by the landowner.

Pierce County Zoning Ordinance §240-41D(3): Large Solar Energy System is defined as, equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy which is intended for off-site consumption. Setbacks – Any portion of the SES shall not encroach within 10 feet of any property line or road right-of-way. It should be noted:

□ In developing the ordinance, staff recognized that a Large SES would require a Conditional Use Permit, which would allow for the imposition of greater setbacks to be conditioned when assessing the site of a proposed project and its impact on the public health safety and character of the area.

Height – A SES shall not exceed 35 feet in height. Building-mounted SES may extend up to eight feet above the allowable building height. Exemptions may be granted by the Land Management Committee. Glare – The SES shall be positioned so that the glare does not create any unsafe conditions. Installer qualifications – All SES shall be installed by a North American Board of Certified Energy Practitioners (NABCEP) certified solar installer or other person qualified to perform such work. A SES shall comply with all applicable State of Wisconsin electrical codes and the National Electrical Code. Structural Integrity - Applicants confirms structural integrity (engineered schematics provided). Upon issuance of a CUP, Applicants shall notify the Wisconsin Public Service Commission.

Pierce County Zoning Ordinance §240-31 Landscape Buffers:

A. Purpose. These requirements are intended to reduce potential adverse impacts that a particular land use might have on occupants of adjacent properties, such as glare of lights, dust, litter and appearance. With vegetative screening, such adverse impacts will be lessened.

B. Applicability. Landscape buffer requirements shall only apply to proposed uses in cases where a commercial or industrial use abuts a residential or agricultural district; where a utility use requiring a land use permit abuts any district; or such landscape buffer is required by a provision in this chapter.

C. General requirements.

1. Landscape buffers shall be located in such manner that principal buildings and outdoor storage areas associated with the proposed use are screened as viewed from the vantage point of the principal structures on affected adjoining lots.

2. Landscape buffers may only be located in an area devoted to meeting minimum side or rear yard requirements.

3. Landscape buffers, when required, shall be established on a lot at the time of the lot's development or at the time the use of the lot is changed to a use which requires a landscape buffer.

4. Landscape buffers shall be provided on each lot as required by this section independent of existing landscape buffers on adjoining lots.

5. Installation and maintenance of the required landscape buffers shall be the responsibility of the owner of the lot.

6. Existing woody plants which meet the requirements listed in Subsection D may be used to meet the landscape buffer requirements.

D. Landscape buffer tree requirements. Landscape buffers, at the time of establishment, shall meet the design specifications on file in the Zoning Office as approved and incorporated into this chapter.

Land Management Minimum Landscaping Policy adopted February 7, 2007:

Screening – Vegetation, earthen berms and or fencing shall be placed between nonresidential development and adjacent properties so as to render the development as visually unobtrusive, as is practical, from adjacent properties or from public view. Native vegetation should be utilized whenever practical. Vegetated screening buffers shall be maintained in good condition. Power and orientation of light fixture – No exterior light fixture may be placed or orientated so that the lighting element or associated convex lens is visible from an adjacent lot line, ordinary high-water mark line or public road right-of-way easement line.

Pierce County Zoning Ordinance §240-41E(3) Utility Facilities:

Electrical substations shall be enclosed by a chain-link fence at least 10 feet high. Such structures shall additionally be located at least 75 feet from a dwelling unit and 50 feet from any residential lot line.

Town Recommendation

The Town of Gilman recommended approval of this request on March 11, 2020. Recommended Conditions were included as attachment #2; concerns raised by the applicant included as attachment #1. The Town noted a Concern/Suggested Condition – Review legal requirements. The Town of Gilman believes the following conditions are needed for the proposed project to be consistent with the objectives and goals of the town, and to be in the public interest. The complete documents (Attachments #1 and #2) are included in the LMC's packet, as well as a review document which combined the two attachments. Staff has summarized the Town Recommendation and the applicant's response for this report which are: Planning Phase, Preconstruction Schedule, Construction Hours, Use of Roads, Road Repair Obligations, Drainage Infrastructure, Revenue Questions/School Payment Impacts, Assurances, Assurances in Support of Decommissioning, Decommissioning Requirements, Power Purchase Agreement, Insurance, Setbacks, Equipment Height, Vegetation/Vegetative Barriers, Vegetative Buffer, Wildlife corridors and other related concerns, Tree Removal, Testing Soil and Groundwater, Additional Environmental Concerns, Fencing, Aesthetics, Local Emergency Services Coordination and Public Safety, Good Neighbor Agreements, and Informational Area/Kiosk for visitors to the area.

Staff reviewed several additional studies relating to solar energy systems including: **Planning for Utility Scale Solar Energy Facilities, Planning Advisory Series – Sept/Oct 2019, American Planning Association.**

Establishing such a solar facility use may take an existing agricultural or forestry operation out of production, and resuming such operations in the future will be a challenge. Land with significant topography, active agricultural land, or forests is more challenging to restore. For a solar facility, the site will need to be graded in places and revegetated to stabilize the soil. That vegetation typically needs to be managed (e.g., by mowing, herbicide use, or sheep grazing) over a long period of time. This prolonged vegetation management can change the natural characteristics of the soil, making restoration of the site for future agricultural use more difficult. While native plants, pollinator plants, and grazing options exist and are continually being explored, there are logistical issues with all of them, from soil quality impacts to compatibility of animals with the solar equipment. The impact of utility-scale solar facilities is typically negligible on neighboring property values. This can be a significant concern of adjacent residents, but negative impacts to property values are rarely demonstrated. Recommended setbacks are 150-foot from property lines and road rights-of-way. As well as a minimum 50-foot vegetative buffer shall be maintained. If there is no existing vegetation or if the existing vegetation is inadequate to serve as a buffer, a triple row of trees and shrubs should be planted on approximately 10-foot centers in the 25 feet immediately adjacent to the security fence. New plantings of trees and shrubs shall be approximately 6 feet in height at time of planting. In addition, pine seedlings will be installed in the remaining 25 feet of the 50-foot buffer. Ancillary project facilities may be included in the buffer. The document went on to list minimum development standards which are included, a – m.

Study of Acoustic and EMF Levels from Solar Photovoltaic Projects

Prepared for: Massachusetts Clean Energy Center

Prepared by: Peter H. Guldberg, INCE, CCM, Tech Environmental, Inc.

Any sound from the PV array and equipment was inaudible at set back distances of 50 to 150 feet from the boundary. Inverters generate more sound. At 150 feet from the inverter pad, sound levels approached background levels. At the utility scale sites, electric field levels along the fenced PV array boundary and inverters, and at the locations set back 50 to 150 feet from the boundary, were not elevated above background levels. Magnetic field levels at the locations 50 to 150 feet from the fenced array boundary were not elevated above background levels. There are significant magnetic fields at locations a few feet from these utility-scale inverters. At a distance of 150 feet from the inverters, these fields drop back to very low levels, and in many cases to background levels.

An Exploration of Property-Value Impacts Near Utility-Scale Solar Installations

Policy Research Project (PRP), LBJ School of Public Affairs,

The University of Texas at Austin, May 2018.

Results from our survey of residential home assessors show that the majority of respondents believe that proximity to a solar installation has either no impact or a positive impact on home values. However, variation in responses by size of the facility, distance from the home, and the assessor's experience assessing near such an installation previously, all impacted those estimates. Regression analyses suggest that closer proximity to an installation is associated with more negative estimates of property value impacts, as is larger installation size. Prior experience assessing near a solar installation, by contrast, was associated with more conservative estimates of impact. Meanwhile, the median and mode of all estimates of impact was zero, suggesting negative estimates from a few

respondents were pulling down the mean. Additionally, the survey results indicate that respondents believe some features of solar installations may be associated with positive impacts. These include a location on land that previously had an unappealing use, or the presence of trees or other visual barriers around the array. Meanwhile, features such as being located on land that previously had an appealing use and higher installations are expected to have a negative impact, according to the respondents.

Recommendation: The Land Management Committee will need to make a determination as to 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.

Additionally, Wis. Stats. 66.0401(1m) **Authority to Restrict Systems Limited**, states:

No political subdivision may place any restriction, either directly or in effect on the installation or use of a solar 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.

(4) Local procedure.

(b) "A political subdivision shall make a record of its decision making on an application for approval, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the political subdivision in connection with the application for approval."

(d) "A political subdivision shall base its decision on an application for approval on written findings of fact that are supported by the evidence in the record..."

Staff recognizes that the applicant has agreed to many of the Town of Gilman recommended conditions. Not all of the recommended conditions (agreed to and not agreed to by the applicant) can be part of this Conditional Use Permit. Staff is hopeful that the applicant will honor the commitments made to the Town even if this Conditional Use Permit does not require them.

Staff recommends that the Land Management Committee 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 found not to be contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for a Large Solar Energy System with the following conditions:

1. The owner or operator shall construct, maintain, and operate the facility in compliance with the submitted plan (and/or as described in their response to town recommendations) unless modified by a condition of this permit.
2. Inverters shall be setback a minimum of 300 feet from any nonparticipating land owners lot line.
3. A minimum 50-foot vegetative buffer (consisting of existing trees and vegetation) shall be maintained between the facility and adjacent nonparticipating properties and road right-of-ways. If existing vegetation is inadequate to serve as a buffer, new plantings of trees, shrubs and grasses shall be established. The majority of the vegetated buffer shall have a minimum height of the project exterior fence. Initial plantings shall render the facility visually unobtrusive from adjacent properties and public view. Vegetative buffer may be waived/modified with the consent of the adjacent property owner. Notice of consent shall be submitted to the Zoning Office.
4. The project shall be setback a minimum one hundred fifty (150) feet to all above ground project components from nonparticipating residences, at least one hundred (100) feet from property lines of nonparticipating properties (excluding fences and access roads), and sixty-seven (67) feet from all road rights-of-way. Property line setback may be waived/modified with consent of adjacent property owner (no less than 10 feet). Notice of consent shall be submitted to Zoning Office.
5. The applicant shall enter into road agreements with the Pierce County Highway Department if deemed necessary by the Highway Commissioner, as well as with the Town of Gilman.
6. A Vegetative Management Plan shall be developed for the site and it shall be reviewed for approval by the Land Management Committee. The applicant shall work with the Land Conservation Department in developing the Plan. The Plan shall include trees and shrubs, seed mixes, vegetation maintenance, and weed controls for the vegetative buffer, facility construction as well as facility operations.
7. Construction main laydown areas shall be located at least 1320 feet from any nonparticipating residence. Secondary laydown areas shall be at least 500 feet from nonparticipating residences.

8. Construction hours shall be daylight hours, not earlier than 7am and not later than 7pm Monday through Saturday.
 9. The applicant shall submit a construction management plan which includes delivery routes, parking areas, laydown areas, noise mitigation and dust suppression methods prior to any site disturbance.
 10. A final grading plan shall be submitted to the Zoning Office prior to any site disturbance.
 11. A post construction sound analysis shall be conducted as described in the application.
 12. The Applicant shall submit a decommissioning plan to the County for approval. The purpose of the decommissioning plan is to specify the procedure by which the Applicant or its successor would remove the Solar Facility after the end of its useful life.
 13. The decommissioning plan shall include a decommissioning cost estimate prepared by a State licensed professional engineer. The cost estimate shall provide the gross estimated cost to decommission the Solar Facility in accordance with the decommissioning plan and these conditions. The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of the Solar Facility equipment and materials.
 14. Applicant shall provide decommissioning security in one of the two following alternatives to the Pierce County Corporation Counsel for approval:
 - a. Letter of Credit or other acceptable assurance for the full decommissioning cost.
 - b. Tiered Security, such as:
 - i. 10 percent of the decommissioning cost estimate to be deposited in a cash escrow reasonably acceptable to the County; and
 - ii. 10 percent of the decommissioning cost estimate in the form of a letter of credit or other acceptable assurance with the amount of the financial assurance increasing by an additional 10 percent in years 2-9 after commencement of operation of the facility.
 - iii. In the tenth year after operation, the Applicant will have increased the value of the financial assurance to 100 percent of the decommissioning cost estimate. At such time, the Applicant may be entitled to a return of the 10 percent cash escrow.
 15. The maximum height of the project's equipment shall be fifteen (15) feet (with the exception of the project substation).
 16. Panels shall have a resting angle of 60 degrees.
 17. The Owner/Operator should install deer fencing around the solar equipment at the height of seven (7) feet unless electrical code mandates a different height. No fence should cross a "navigable" waterway.
 18. All lighting shall comply with Land Management Department Minimum Landscaping Policy.
 19. No structures shall be placed or land disturbed in the Floodplain.
 20. A signed copy of the interconnection agreement shall be submitted to the Zoning Office.
 21. Any unforeseen erosion issues shall be addressed to the satisfaction of the County.
 22. Applicants shall coordinate with emergency services staff to provide materials, education and/or training to the departments serving the property with emergency services.
 23. If drainage infrastructure or systems on non-participating properties are damaged by any cause connected with the project, Western Mustang Solar, LLC shall restore the drainage infrastructure or system to a condition at least as good as the pre-construction condition.
 24. The applicant shall at all times during construction and operation of the project maintain a broad general liability insurance policy commensurate with industry standards. Certificates of insurance shall be provided to the County and Town of Gilman upon request.
 25. The post-construction sound analysis results shall be submitted to the Zoning Office.
 26. Substation shall be enclosed by a chain-link fence at least 10 feet high.
- The Land Management Committee should also consider the following conditions which were recommended by the Town of Gilman:
- The applicant shall buy the described Mono Crystalline Modules from a manufacturer with a combined score of 85 or higher on the Silicon Valley Toxics Coalition Solar Scorecard.
 - They shall provide financial assurance for the construction of the project in the amount of One Hundred and Fifty Thousand Dollars (\$150,000) to Pierce County and the Town of Gilman.

- The applicant shall keep and provide a list of all chemicals used for maintenance, etc. (e.g. pesticides, herbicides, cleaners) including quantity and frequency of application of each. Applicant shall monitor soil, wells and drinking water supplies for any and all chemical residue annually.
- The applicant shall provide the Pierce County and the Town of Gilman relevant site plans, including erosion control plan, construction timelines, and other relevant construction information, at least seventy-five (75) days prior to the start of construction, to allow the Local Governments an opportunity to review and comment on construction information. The construction team should meet with County staff and Town representatives at a mutually agreeable date not less than forty-five (45) days prior to the start of constructions.

Chairperson Fetzer asked Ranger Power if they would like to give a presentation before we go forward. Ms Straka stated she is a project representative of Western Mustang, and gave a brief introduction of Ranger Power. They are a team of experienced developers that specialize in utility scale solar development. They have a project portfolio of over 40 projects throughout the Midwest which is over 5000 megawatts, all in development. Three in Wisconsin, one was approved by the Public Service Commission in Jefferson County. Note for the record that they did submit their responses to staff for the conditions and also the property value impact study, as well. Western Mustang is a 74-megawatt AC project. The project boundary is a 1055 acre project and the project footprint is 479 acres, about 49% of the project boundary. In location of the project, Pierce County, Gilman Township. The project is bordered by 890th to the north and 330 to the east, Highway 29 to the south and 450th to the west. Another overview how they site their facilities, basically there are four things that they look for when they are looking to site their projects; first is the electrical infrastructure of the area, looking for robust enough interconnection to accommodate a project of the size they are proceeding too, next is located close to large load centers like Minneapolis, which is connected to the third one which is interest in utilities for purchasing power from this project or the project itself, which is related to the load center because that is where the people are. There are a lot of old Wisconsin utilities that are looking to come offline soon, it's expensive to keep maintaining the facilities. We are looking for communities that are looking for these types of projects and the Pierce County Comprehensive Plan does support the responsible development of large energy solar systems which did play a part in our decision to invest in this area. Finally, the participating landowners do play a large part, they are looking for landowners that do want to participate in these projects and want to work with us. Not all landowners are participating. They have been working with nonparticipating landowners since February of 2019. They have attempted to make contact with all the property owners. It's part of their development strategy, community first. They really want to get down on the ground and understand people's concerns. Part of that was holding an open house in 2019 and had over 70 attendees. Additionally, they spent a lot of time with the Town of Gilman. They have attended nine meetings from May of 2019 to March of 2020 along with four Gilman Township Plan Commission meetings from December 2019 to March of 2020. It's really important to us to take feedback from neighbors in the community and incorporate it into our design. They will continue that outreach as well. Finally, she wanted to talk about the project benefits, first and foremost the proposed CUP they think is consistent with the Gilman Township Comprehensive Plan and it does meet or exceed the Pierce County Ordinance requirements. In excess of \$74,000,000.00 investment into the community and will generate significant tax revenue and benefits through the States Utility Shared Revenue Program. That provides unrestricted funds available for local government to decide how they would like to use it. It is expected for Pierce County in excess of \$170,000 annually as well as \$120,000 annually for Gilman Township. They do recognize that this land is being taken off of local property tax roll so they have committed to making up the funds that are being provided to the schools from the project. They have committed to replace those lost revenues to Spring Valley Public Schools and Chippewa Valley Technical College. Finally, the construction activity is expected to stimulate the local economy. Their preference and priority is to hire locally. They are expecting construction workers to stay in the area and spend their money in the area to boost the local economy. They do expect this project to preserve and protect the rural characteristic of the community for many years to come and to be restored to agricultural at the end of the day. It's expected to improve air quality and decrease reliance on fossil fuels and soil quality to let the land rest. It provides income diversification for landowners and generational farmers and balances individual property rights with community benefits as well. They addressed the staff recommendations that they have objections too. They have discussed and really developed this project with the local community in mind and incorporated feedback into this application. In order to preserve their legal rights, they have submitted a letter objecting to several of the conditions recommended in the staff report and they would like to explain the reasons behind these objections and emphasize

that they are committed to continue working with the County and the Town. They took the effort to accept the ones that they could and the ones that they could not to not change them as much as possible. Their goal is to understand the concerns and objectives of the County and usually are able to address these concerns and build a project that is economically feasible for us and achieves the goals of the community as well. The first condition that they want to discuss is Condition #2, the inverter shall be setback a minimum of 300 feet from any nonparticipating land owners lot line. Their concern is that this setback is excessive. The third-party study that staff provided from the County and their internal sound report says that the sounds from the inverter diminish to background sound at 150 feet. That is their experience in the real world also. The 300 feet does take away from the flexibility of the project. Which reduces the project efficiency and at the end of the day can impact the design and how they market the project. The rationale is unclear to them. They are trying to understand what the Land Management Committee is trying to accomplish and what their concern is. If we think it is sound that they have addressed it and additionally they have agreed to a post construction sound analysis that would further address any issues related to sound. Condition #3, the 50 feet vegetative buffer. They don't think this is an appropriate condition for the type of facility they are proposing today. The facility they are proposing is not a quarry or a mine, it's not comparable to industrial land use. The project is a much more mild use of the land. They did bring some visuals to help show that. They do design these facilities to be as low lying and least intrusive as possible some of the things that go into that is the vegetation permanently planted underneath the panels, the deer fence that provides an easier transmission as well as the space inside the facility. There is anywhere from 18-22 feet between each rows of panels. They understand that Section 240-31 of the Zoning Ordinance allows for but does not require the landscape buffer to address concerns such as light, dust, litter and appearance. They think that appearance is the only one that could apply here. What they are proposing to do is to provide vegetative buffers to nonparticipating neighbors that don't have existing vegetation in a way that is reasonably fenced and at a reasonable height. Additionally, they won't own the part of the facility where the vegetative buffer is called for in the condition, they think it kind of will infringe on the landowner because some of them have only put in a certain amount of land in and will continue to farm the rest. They think that could infringe on their ability to farm the land. Another point, if a setback is required from the panel that is two to three times the height of the vegetation, so if they have the vegetative buffer closer to the facility they will have an additional setback. They think that they have already exceeded the local setbacks laid out in ordinance and the current setbacks are pretty expensive. They do understand the County's concern and they want to work with the County on this. They want to figure out a way to make everyone happy. They think their proposal to provide this buffer for nonparticipating landowners who don't have existing vegetation and have a view of the project is what we're thinking. Condition #4, the project shall be setback a minimum 150 feet to all above ground components and 100 feet from property lines. Their concern is the increase from 50 feet to 100 feet from property lines. They worked very closely with the Town of Gilman and significantly increased the setbacks which reduce the efficiency of the project which does impact their ability to market the project. They didn't see any justification for the increase of setbacks. They would like to understand from the County what the reasoning was behind that. The increase setback would result in a loss of 12 megawatts which would be about 16% of the total project capacity. Part of how they can market these solar facilities at a competitive cost is really because of the economy to scale so when they lose on it, it does impact their ability to do that. Condition #6 the Vegetative Management Plan and the Vegetative Buffer. They have already provided the Town and the County with a Vegetative Management Plan. They will absolutely work with the Land Management Committee and Land Conservation Department to refine this plan. They think the rest of the condition they have addressed in condition #4. Please note that they are proposing the vegetative buffer for nonparticipating landowners with minimal existing vegetation. If there is something in the Vegetative Management Plan that the County specifically wants to see, they did already address that. They did already provide that. Condition #7, the construction main laydown area is located 1320 feet from nonparticipating residences. They did try to see if they could really make this work. Unfortunately, what they found is there were only three parcels they could use as main laydown areas with this setback requirement. The closest laydown area to the nearest road is 1,400 feet. Part of their concern aside from the laydown areas, there are only three locations for the laydown areas. They are not workable and they think there may be an unintended consequence of increased traffic and impact to roads. The laydown areas are going to be moving throughout the project area as construction progresses. They think the traffic may be negatively impacted if the construction crews are going from a parcel to the same laydown area continually, normally it would be shifting with the construction. It is industry standard, the most efficient way to keep the construction duration as short as possible and to have the least impacts to local roads and traffic. The main purpose

of laydown yards is to store equipment and materials. They aren't planning on having a constant stream of massive equipment; it's really going to be a pile driver, pickup trucks and maybe a trencher. The only oversized vehicle that will be coming through is carrying the main project transformer. Condition #13, the Decommissioning Plan shall include a decommissioning cost estimate prepared by a State licensed professional engineer. It should be the gross estimated cost and should not include any estimates or offsets for the resale or salvage value. They will provide the County with a cost estimate and an updated Decommissioning Plan. They do think that the cost estimate should include resale and salvage costs. It really is a large cost that does offset quite a bit. Whoever does decommission the facility will utilize that cost. It's a lot of glass and a lot of steel. They do think it should be considered. Condition #14, decommissioning security, the first point they would like to make. It's extremely unlikely that the project will be decommissioned in the first fifteen or twenty years. In order to build this project, they will need to have a long-term arrangement with the utility which they will be contractually obligated to be producing power and they are going to need to rejuvenate that revenue so the project will be operating to provide security. Additionally, the project will need to borrow millions of dollars to start construction and lenders will have collateral interest. If the owner walks away the lenders will step into their shoes so they will have the same interest and also the outlook to rejuvenate that revenue. The project is required to have substantial insurance so another reason why it's very unlikely that the project would need to be decommissioned in first fifteen to twenty years. They did hear the concern of the Town and they are willing to post a bond, they are not saying they are not going to post security. They have proposed two different alternative ways to post a security. In the Decommissioning Plan they agreed to post for the full net cost in year fifteen and Town of Gilman said they would like it earlier. They did agree to post \$500,000 bond before construction and that would double in year fifteen. They think that these first two options are reasonable and do take into account the unlikely hood of a decommissioning in fifteen or twenty years. They weren't exactly sure what was being proposed in this condition. For letter a, they weren't clear on when they would post the bond and if it includes the scrap and salvage value. For letter b, they weren't sure how numbers 1 & 2 worked together, if there is 10% in a cash escrow and an additional 10% in a letter of credit and how the third line item works with the first two, if they could get some clarity. They are committed to posting a bond and just want to make sure they are doing it in the appropriate way. Condition #21, they aren't objecting to #21, Any unforeseen erosion issues shall be addressed to the satisfaction of the County, they think the condition is overly vague and think it should be tied to a County or State requirement or standard, which they expect to meet or exceed anyway. They are going to be planting vegetation throughout the entire project area which will increase infiltration and prevent runoff. They will have a plan and revise that once they approach their final design. Condition #27 through #30 are the Town of Gilman's recommendations. #27 the panels from a manufacturer with a combined score of 85 or higher, this rating is about the manufacturing process of the panel that won't take place in Town of Gilman or Pierce County. They don't think it's necessary to include it in the conditional use permit. They are willing to commit to using a Tier 1 Panel. They understand that the quality of the material is important to the Town and the County. Condition #28, Financial Assurance for the construction of the project in the amount of \$150,000.00. They are more than willing to work on decommissioning and assurances, we just weren't sure on what the justification was for this assurance, what it is in support of. They think the \$500,000.00 bond is sufficient. Condition #29, the list of chemicals used for maintenance and monitors for soils, wells and drinking water, they are objecting to this and feel this has been studied in great depths. There is no contamination from the type of PD Modules that they are proposing on the project. The panels are made of glass & silicone. These really are elements abundant in earth's crust and do not pose harm to human health, public health, groundwater and are completely safe. The concern is if they are testing and some result comes back and isn't related to their project, it could cause major issues especially with financing and trying to assess risks. Those are the conditions they would appreciate further discussion on. They appreciate the committees time and consideration and attention for her walking through these. They have been working with the community for a long time and appreciate everyone's cooperation and they really did make every effort to accept as many of these conditions as they could and push back as little as possible on the ones they needed too. There were some they legally objected too and accepted even though they didn't necessarily need too, and at the end of the day they want to work with the County on all of these and come to an agreement. **Chairperson Fetzer opened the hearing to the public.** John Rukavina, he is a landowner adjacent to the solar array. He moved here about three years ago. He lived in downtown Minneapolis. The reason was to enjoy the beauty of nature and to get out of the world of metal and concrete and glass world was his prime objective. He achieved that by finding a place on 890th Avenue. Two years ago he was approached by Mustang Solar with the idea they wanted to put up a solar array and he was always

against it from day one. They asked him to put an egress to the power station on 890th and he rejected that idea as well. He has always been against having a solar array near a property that he just wanted a nice view and peace and quiet. His biggest concern is property value. When he searched out the property, he paid a certain dollar figure for a house and shed and rejects the University of Texas at Austin Property Value Assessment. They are in a desert, we are not desert here in Wisconsin. We have trees and vegetation. He thinks it's appropriate to have solar arrays in desert locations and there are some really beautiful ones in Las Vegas, Nevada. But he doesn't think they belong where we live. There are three properties for sale currently on 890th Ave. One of them sold in four days but his first question was, is there any view of the solar array site. The answer was no so it sold in four days. There is another one for sale that has a view of the solar array proposal and that has not sold in four months. He can give the information. There is one owner who bought his property before February 2019 and he is angry that he was not aware of, again, this project didn't start but he is angry about having the view of the solar array. It's mostly about glare, about aesthetics, he knows it follows guidelines but it's not the reason he moved to St Croix Valley or St Croix County. He has honey bees and he is concerned about the adjacent land having enough flora and fauna to survive. Honey bees already have an issue. He is concerned about his property values, how much would he lose if he wanted to sell his property now if there is a solar array looking out his back window every day.

John Shafer, he used to be a County Board Supervisor 20 years ago so he knows what is involved in the legislative process. He wants to make sure everybody is heard in this whole process. His concern is that we don't know the information. He is for alternative energy systems, solar powered wind mills, hydro and many others. He has a science degree, Dr. Sanden was his professor at one time, for the record. The biggest thing he wants to make sure we have good setbacks, safety measures, addressing health and environmental impacts. In the past twenty years, in Gilman Township we have had a significant amount of growth, mostly on the northern part of Gilman Township. The solar farm is proposed in that area. He is not against solar farms. We need to have some sort of alternative energy systems however, it needs to be planned out properly. The fact that there has been a lot of objections from the company makes him feel that we need to iron out things before any potential farm is going to go in. Eighteen years ago the Land Management Committee did rush through a rezone without doing any sort of land use survey because most of the Town Board members, at the time were more concerned about selling land for housing and other nonagricultural uses instead of looking long-term for the health and safety of the residences. Not even two years after the rezone, because of poor planning by the Gilman Town Board and the Land Management Department, we had a lot of grief which was very much avoidable. He doesn't want anything to be short sighted and we have to think long term. He is a science person. We have engineers, we have physicists, try to figure out how to make things work, to protect those who are for the farm and those who have to live around it. He thinks there are great people on both sides. He is a century farmer, he has lived in this township his whole life. His family has farmed in this area for over 100 years. He doesn't like seeing people feeling divided and he feels we have to do more to try to minimize the potential problems, the potential conflicts and come to a reasonable solution. He did take an alternative energy course in the Ag Engineering class. However, much of the solar panels are made out of nonrenewable material. If such a facility is going to go up he wants to make sure the material can be reused or recycled and not end up in the landfills or decay or deteriorate. If they do end up in the landfills are they going to be in the local landfills that we have already or are they going to go to a special one. That's something that needs to be addressed. He is concerned about fires. He has DNR wildfire suppression training. How are we going to make sure that they are not going to be a hazard to our fire fighters who risk their lives protecting the community. He wants to make sure Ranger Power is going to have a good course on dealing with firefighters. Not getting firefighters electrocuted or having to deal with toxic fumes. He does want to make sure everything is done in a safe manner. His cousin was the fire chief in Spring Valley and other fire chiefs have said that the thing that always made them upset was companies that were not willing to be open with them on how to fight fires with new technology that has come up. He is not anti-technology or anti-solar farms. He wants safety measures. He wants to make sure we are thinking long-term and know about any potential risks and be open to the idea that there could be other risks that have not been seen. This is hard for him because he has two children, a son and daughter and one of them is autistic. They don't know if anything with electrical pollution has had an affect with that. They are still learning. A good scientist, a good physicist engineer is always going to be looking on how to make things better, how to make things safer, most of all how to make things cheaper and realistic. He doesn't like seeing the easy way taken out and that has gone on way too long especially in this Land Management Department and politics in general. We also had electrical pollution when we had poor planning, go in his area and for seven years they dealt with stray electrical pollution and it was mainly because of

poor planning and not the proper infrastructure. Once the proper infrastructure came in, the electrical pollution did subside. But it took seven years and affected the health of his cattle and livestock and he doesn't expect people to be Guinea pigs like his cattle were. During COVID19 he feels we haven't had enough meetings because of social distancing. He feels we need another three to six months of study to lead to better solutions that can benefit all involved both those for and against and hopefully we can come up with additional new and additional technology for solar farms so we can minimize the impact and protect the pollinators like the bees, hopefully create solar panels that can have more environmental benefits and create more green-collar jobs to hopefully offset the tax revenue that is being lost by the proposed solar farm. Does Pierce County even have alternative energy and siting ordinance? If they do, when was it last updated and if not, why? Maybe many of the issues we are dealing with now, could be addressed a lot easier. He asks for setbacks, buffers, health and safety protocols and monitoring that can be reviewed by the public. Just as his electrical coop that helped his dairy farm that are now beef and replacement cattle, how to use less electricity. The same should be done with this company. He believes solar farms should be regulated hopefully with a separate committee separate from the Township and County so we don't have any potential conflicts of interest. His goal is to see, with good planning, we can make things work properly. If it gets rushed through, he can see more problems down the road that could have been avoided with well thought out planning. He does not want to see what happened in his Township when an animal shelter was opened up because our change in zoning was done haphazardly back in 2002. He believes good planning takes time but it will be worth it. He hopes we can figure out something that is good for the community but he thinks we should wait on the solar panels until we have issues ironed out. James Reed, he represents the Reed Family Trust property, he is primarily here to express a couple concerns; one is the land values. Their property, his son and his family lives on this property, but they are bordered on both the east and west side by these panels. He cannot see how this is not going to affect the land values on that property. He is also concerned about the environmental issues: sound frequencies, the lady here says they are going to be monitoring it. He wants to know who is going to monitoring it and who are they going to report to. Who is going to maintain records so that residents and public can see it. He knows from the past, serving on planning commissions in his career, these things are supposed to have a lifespan of fifteen to twenty years and possibly farther with updates. Is Pierce County going to be able to monitor those, keep records of those and possibly have the Town of Gilman have records of those so people can see them and review these from time to time and if they do have issues, who do you report too? With those issues of it, he is not sure where the answers are for the questions. It appears to him that the few people that are getting the panels, they are going to benefit financially for it, the rest of the people surrounding it, it will be too their detriment. Alicia Acken, she lives on 850th Ave, she is a certified land use planner, that means she has a master's degree in planning and has been a planner for more than 15 years. She took an eight-hour test on fundamentals of land use planning, ethics, and law and passed. The year she took the test, she had the highest score in Minnesota on the ethics portion. She is required to do 32 hours of continuing education to maintain her certification. When she heard there was going to be a solar utility plant in her backyard she did some research and participated in programs for planners on the siting of solar projects. From her research, here is what she expected the project to look like: setbacks away from homes and residences, well thought out wildlife corridor, safety measures for fire and good faith contributions to the community by the developer. She found none of that in this proposal by this company. She handed out an enhanced photo showing her parcel. This is community first as defined by Ranger Power. In the picture that is what a 50-foot setback would look like. It will be maybe 80 feet from her house. It is her son with his pigs and all she did was cut out the wire fence that they have and put in where the solar panel will go in. This is what it will look like without a buffer. She is Alicia Cosgrove on the map. Her parcel is pretty well surrounded by the project on three sides. The only side she is not surrounded by the project is her son's parcel. She was offered a Good Neighbor Agreement but it read more like a bribe than any Good Neighbor Agreement she has ever seen as a professional. She recently asked Ranger Power if she could, as the trustee of her son's land, also receive a Good Neighbor Agreement, but to do that, as his trustee, she would have to have Judge Boles see it and she has not gotten any communication on that or an OK for that. The Town of Gilman's CUP process was confusing at best. In the 15 years she has worked for the State of Wisconsin, she has never seen anything like it. The Planning Commission Chair kept repeating there was nothing they could do about this as Ranger Power handed out Good Neighbor bribes and telling people it was inevitable. She asked the Town Chair repeatedly who the members of the Planning Commission are. No one seems to know who is on this body that OK'd the process and plan. Her son sees a pediatric epidemiologist in the Twin Cities. There are only 30 people in the United States with this level of training. He is a doctor, a pediatrician, a neurologist and he specializes in epilepsy.

He is really smart. She has read a lot of the planning material that renewables are good, solar is good so she thought she would ask him what about a solar facility being built just beyond her lot line and house. She expected him to say, "Oh, don't worry about it" but his first question was "Why, don't you live in Wisconsin, isn't there enough land for them to back off from houses". Of course, there is. They will tell you that you are adding costs to the project and that it is against the Wisconsin standards for solar siting but that is not true. The land owners who surround her lot have other land. They could be putting these in other places. They are choosing to put it next to her lot. Their bad planning is not her problem. Back to her son's neurologist, he then said, he himself would never raise children that close to such a project. The brain is electrical, our feelings, the thoughts in our heads, our language development and our learning are all dependent on this electrical system in our brains. While there is no proof that solar utility just feet from the house will be harmful, there is no proof it's not either. He said there is just simply no meaningful studies done. The studies provided by the developers only show that it is safe to work near utilities for limited hours as a healthy adult when all the equipment is working properly. That is not proof of safety. That is one limited example. The same is true of the impact on housing values. The very limited study they provided is nothing but 20 some houses, not surrounded like hers is. Others have said it's not even in our region. There is a reason, there are no other houses that are surrounded like hers is proposed to be. Like medicine, there are things planners can do to protect health, safety and investment. First setbacks, the ten foot setbacks, long jumpers jump further than 10 feet, in the Olympics most long jumpers jump 29.6 feet. She has garden hoses longer than 50 feet. These are not setbacks that will accomplish anything to protect neighbors. In Jefferson County, WI the setbacks for houses surrounded like hers is, is 250ft. This was already accepted in Wisconsin. These setbacks do not restrict the project. They have other alternative parcels they can use. There is other available land in Gilman, other land in Pierce County and other landowners. The landowners that surround her have other land they could be putting the parcels on. A reasonable setback of 250 to 300 feet protects people, farms, and investments from the unknown. Not having reasonable setbacks means you are allowing a science experiment to go on in Pierce County, you are allowing them to experiment on us. Please do not allow this project without the proposed setbacks or proposed protection. Please protect us and our investments by putting in meaningful, protective setbacks. She would just like to comment on some of the things they have said about the state law for CUP's. There is something called intent of law in land use. They are reading it literally where in land use, it's typically based on intent of law. The intent of law is not to give them permission to surround her house and force her out. Again, she has offered them to buy her house and they have continued to tell her they are not that kind of developer. She has given them many options. She has offered them easements, she has offered them to buy her house. They are choosing to do this. That is not the intent of the solar legislation. The intent is that we don't just say no, I don't like solar. And that's not what you are hearing tonight, we're OK with solar, we just don't like what they are proposing. One of her other concerns is the process that has gone on in Town of Gilman. The next step will be driveway ordinances and road maintenance. The Town of Gilman Chairman is one of the lease holders so he will be making a million plus dollars on this project. The way the Town of Gilman driveway permit reads, they will turn the permit into this lease holder, he will then be able to say yay or nay to the driveways that surround our houses with no other process. Kenneth Cosgrove, Alisha spoke for her 14 year old son, eight years ago his father died and he inherited 1/3 of 40 acres. My mom bought my brothers out of their share with the money she had saved for my college tuition. She thought this was a good idea because we live in a part of Gilman with a lot of houses close to Highway 94. A lot of our friends used to want to move to their neighborhood but not now that they are bordering the solar utility project. For some reason lots with houses on them are given more protection in this proposal than lots without houses, including his. Because of all the wetlands, he may not be able to split it and put as many houses on it as possible and now with the proposed solar plan, he'll be able to put even less houses on his land where it is close to a transformer. Not as many people will want a view of solar panels as most people want a view of trees. We will have less people we can sell his land to. What will happen to his college savings if this project is approved. He has land rights too, why are his rights not being protected. In sixth grade science, in Spring Valley Middle School, they learned that a big risk of solar panels is wildfires. Now he worries that his house will burn down. They say that solar panels will survive a baseball hit but baseballs make a much bigger dent in my mom's car than hail does. What if the company gets mad because I like to hit baseballs in my field. Would I be able to get any baseballs back? What if there is an accident, will he be blamed? Samantha Letourneau, on the map she owns the land that says Eric Rodencal, it's on the top left on 890th. Her boyfriend and her both bought that land about a month ago. Last week they found out about this project. There hasn't been much communication with them due to the ownership change, with the company or anybody in the County. What they

have heard from this is basically our whole sunset view is going to be gone and they will have to stare at 12 foot tall solar panels for as long as they can image. Wayne Letourneau, Samantha's father, he has forty years of experience in industrial and commercial construction and development business. He is from the Twin Cities area, he actually lives in Woodbury. These two kids, about a month ago, put their life savings at 21 and 24 years old in the property at 890th that was owned for about a year and a half by the Rodencal's. As well his kid and her boyfriend made the decision to get the hell away from the grip of the Met Council of the Twin Cities and New York developers and came to the rolling pastoral farmland of this area because they fell in love with it from Spring Valley all the way up to Baldwin. It's a wonderful area. They plan a future on this land and are so excited to live in a 110-year old farm home and a future including beautiful sunsets that we have enjoyed as guests in their home in the short month they have been there. They have been completely smoked and blindsided by this process. It's part of an action they are going to undertake, legal action through a law firm in Western Wisconsin well credentialed in both Counties and we are going to exhaust options for these kids. First and foremost, he wants to be unequivocally clear, they are for renewable energy. This is a dark horse project with his background and his experience, that is fraught with hurry up lets go, we've done due diligence, this is the State Statute, take it or leave it. Well there is an option here folks, it's pound sand. He appreciates your diligence in putting strong restrictions and stringent constraints, especially on setbacks, vegetation. We are concerned about the health impacts. These kids bought this property to see beautiful farmland on both sides and that one side to the west is going to be completely smoked with solar panels. Thank you for your time. Nick Dangeur, land owner with these panels being placed on. He has lived in the township for 30 years, over 30 years now. He finds it interesting when we talk about frequency and sound. A good chunk of this project there are electrical wires, high retention wires that go through this project, they are on his property. They are on a half mile of his property. The panels are going to be next to it. When we start talking about electrical current and sound. He guarantees you could walk under there right now and there is sound and there is electrical. It's just there. Those lines are improved and they are still being improved by Xcel. He doesn't see anybody coming out and talking about putting up, hey what about these new lines and more attention on them. He doesn't hear anybody saying anything about those because those are already there apparently. Those are a bigger problem than these solar powered panels. Those do cause a lot of health issues with those types of low frequency. Dairyland Power, this spring, redid their poles, the same thing. He realizes they have to do those things. He realizes they exist and they are going to get bigger. Vegetation setbacks, we run into a very slippery slope in an ag area. We start talking about buffers and what we are going to put in those buffers, these solar power panels, these things are not much higher than a row of corn. Suddenly if my neighbor, if I put in corn, then suddenly they don't want corn because it interferes with their sunset. Those things are high, they make you feel like you're in a prison. So now what, are you going to tell us that we have to put in beans instead. Suddenly you are going to dictate what kind of vegetation we are putting up. You have to put trees as a buffer because if I put up a pole shed, which is on my property, suddenly I have to put trees up so you don't see my pole shed. This is an agrarian area. Some people move out to these areas and they think it's going to be like this provincial kind of thing where it's all beautiful and everything but guess what, there is manure spread. His neighbor has a corn dryer that thing goes on and he hears it, he hears it a lot. That's what goes on, sounds, smells, tractors. He knows it sounds picturesque when you look at a picture but it's not always that picturesque. Somebody brought up about a payment and what just the landowners are making money. There is a payment to the County. There is a payment to the Township. He believes that payment to the Township will increase the budget by 50%, where is that money going to come from elsewhere? Are we going to raise our taxes? He doesn't know. Probably not, nobody will be in favor of that, he can guarantee that. When we have school referendums, we have people hoarding in there, just to make sure that we don't raise that by a \$100,000.00. We are getting \$125,000.00 a year on that. So this idea that we are not getting anything back. Oh yeah, we're getting something back. So then we start talking about families. His son, who actually started his master's in Madison and he is an ag major. He is looking at their future. Right now in this community, in these areas, we all like this idea that it's going to be this 25 head, dairy barn, pasturing out there. We all know that's not what's happening. The family farms are going away. It's more corporate farming, it's 1200 head, 2400 head. That's what the farming is of tomorrow; that's what it is right now. There is no more dairy downsizing. The last dairy farm, Aamodt, they pulled the plug a year ago or so. This idea of this quaint little area where there are cows roaming in the pasture. He has cattle but even that is diminishing because we all know that isn't sustainable anymore. This is an opportunity, if you want to talk about family, for him to keep his property and not develop it for more housing for more 1200 head dairy farms. This is a way for him to keep this property in his family's name for generations. He is almost 60 years old this year. He isn't

going to see this thing expire. When he is retired and dead it will be in his family's name. It's not just for today. It's for our generation to pass on to his family as well. Sonya Thompson did not want to speak but she wanted it on the record that she is in favor of this. Chairperson Fetzer stated that is all we had listed on our sheets. Is there anybody else that would like to say something? Just keep it quick. Alicia Acken asked if we got the letters sent by the neighbors, the emails to Andy. Pichotta stated he received a number of emails. He did receive one from John Shafer, which is basically the remarks that he gave. He received one from Eric Turner, who indicated he is supportive of the project and supportive of the 150 foot setback from the residences and he is also supportive of a 10 foot setback from property lines. He also received one from Brad Turner who is supportive of this, and he is against the vegetative buffer and thinks the maximum setback should be 50 feet. He received an email from Shane Lucking, a member of MarShan Farms, he is supportive and feels the condition relating to assurances for decommissioning is unreasonable and also feels that the vegetative buffer is unreasonable. He also received an email from Scott Coenen, who is the Executive Director of the Wisconsin Conservative Energy Forum, he is in support of this project and discussed revenues that would come to the Town and the County. Lastly, he received an email from John & Sonja Lenarz who are in support of the project and thought this project will help with the road issues. That was all the emails that he got. Chairperson Fetzer asked if there was any further public comment. Mr. Letourneau asked where this company was from. Ms Straka stated their company is based out of Brooklyn, New York and they are located all over. Dean Hinrich stated he would ask that they don't vote on this tonight. Chairperson Fetzer asked him if he was on the Town Board. He stated no. **Chairperson Fetzer closed the public hearing.** Ms Straka thanked everyone for their comments. She stated they have covered some of these with previous comments. The first was glare from the panels. The panels do have anti-glare coating, nonetheless, there is some potential for glare early in the morning and late in the evening so they have the panels move back to flat before so that reduces the impact from glare. They have also agreed to condition #16, that the panels will have a resting angle of 60 degrees. They do not anticipate any impacts from glare. The second is sound, they feel they have addressed sound and have incorporated the setback from the inverter to property lines to ensure that there will not be impacts from sound. We have also agreed to a post construction sound survey which is laid out in condition #11. It is something they will be monitoring. They do not participate sound from this facility. The third is fire safety. Nothing is flammable in the components of these projects; the panels, the wire, the inverters are all designed to protect against the possibility of any fire. We will be meeting with emergency services as laid out in condition #22 to discuss processes and how they can communicate effectively with emergency services. Recycling, the panels are made of glass, aluminum and copper. The market is growing for panel recycle programs. They anticipate there will be substantial recycling programs by the time this project reaches the end of its useful life. The market is growing rapidly and they do expect the market to grow for folks to recycle and someone will want to make money off of that. They do anticipate that. Just a couple clarifying points, Nicholas, we do hear your concerns about getting your baseball back from the fields and there will be communication between the owner and the operator of the project. Their contact information will be publicly available so anytime there is an issue with the facility, which will also be monitored, then you will be able to contact the owner and operator of the facility and get your baseball back. One other point, that they are not against a vegetative buffer. They are offering a vegetative buffer. They are offering it to people that do not have existing vegetation and are not participating in the project. One other clarifying point is they have not offered any bribes. They have met with neighbors and it seems like they may have missed someone. They apologize that they have not been able to meet with you folks yet. They have been meeting with folks and addressing their concerns and they will continue to do that. The last is property value. This is one of the issues that comes up that they hear first and they have looked at it very closely. They did issue a formal independent analysis. It looks into property values next to existing solar farms, discusses tax assessor and real estate agents as well. Franc Fennessey, representing Ranger, others commented in the staff report about the LBJ Study, because it's in the desert and because of its conclusions really had limited value to support the conversation. It was based on opinions of real estate agents and wasn't based on the regular sales analysis, they had asked that the property value impact study that they prepared which looked at eight or nine different locations around the country, one of the speakers noted that there aren't a lot of solar developments that have been in service, of this size, around the United States, in the State of Wisconsin, particularly at this latitude, of the Town of Gilman or Pierce County. However, there is a large 100-megawatt facility over near Forest Lake, across the border in Minnesota. One of the studies did deal with the North Star project there. He read the conclusion of that study, they are in the business of wanting to know real estate values to be able to understand where those are. The study concluded; we have also reviewed studies prepared by other real estate valuation experts

that specifically analyze the impacts of solar facilities on nearby property values. These studies found little to no measurable and consistent difference in values between the test areas sales and the control area sales attributed to the proximity of solar farms and are generally considered a compatible use. Further, there was a fair amount of local assessor input and opinions sought, including in the County where North Star is located and they said the following: Local assessors have noted there is no evidence of negative property value impacts due to proximity of a solar farm and local brokers have noted that has been no affect on pricing and marketing time or conditions of sale. They ask that this study be put in the record and everyone can debate until the cows come home. They have evidence, if there is contrary evidence, certainly bring it forward, it informs the industry and forms project discussions like this. It's based on an analysis and real data. They will continue to have the dialog.

Ms Straka stated those are the main issues they would like to address. From their perspective, they have fully complied and exceeded the ordinance. They have been invested and engaged with this community for over two years now and will continue to work on all of these conditions and they feel this project should be approved. Chairperson Fetzer stated he appreciates everyone coming out here tonight and voicing your concerns. He wants everyone to know the committee doesn't take this lightly and try to understand as things come in front of the committee, they try to work with the adjoining land owners, along with the applicant to try to make things happen. They try to do things right in the first place. It's never an easy decision and it's an emotional subject for a lot of people. He asked if the committee had any questions for the applicant. Sanden stated he has a couple clarifications, as he works down through the construction, you have some of the details, how long is the construction process supposed to take? Ms Straka stated 12 to 18 months. Sanden asked about the glare and glint study, is the glare and reflection mainly from the support, the black panels are glossy but where does most of that come from? Ms Straka stated she is going to refer to Frank Karczewski, he is their technical expert from Stantec and can speak to this. Mr. Karczewski stated if he is understanding your question correctly, the potential glare from a solar facility would come from the panel itself. Not from the supports or other aspects or issues or other elements of the design. To reiterate Emily's comment from before, panels that are constructed in industry today, have a reflective coating. They are more absorptive than reflective. Another point that Emily made is that the resting angle of the panels will be at 60 degrees just prior to and following sunset so we don't see any glare. Those are the times that we would see the most glare. Sanden stated he thought the support system could be easily mitigated just by painting them a different color. It is the panels themselves? As far as the sound analysis, he isn't familiar with the technology, is this a consistent sound or intermittent? What is the nature beyond the decibels? Mr. Karczewski stated the nature of the sound is primarily from inverters associated with the design. They do give off a hum during power production. They do give off a hum that is typically associated with fans that are cooling the inverters and generated. Sanden stated whenever the sun is shining, basically, is when they would be working. Mr. Karczewski stated that is correct. In the night time, solar facilities do not produce sound. Sanden asked as far as the vegetation, is there any need for run off control? He is concerned about the wetland area, what is your plans for mitigating any possible runoff during the construction phase? Mr. Karczewski as I'm sure folks on the Land Management Committee know, this project will be required to get an NR216 permit from the Wisconsin Department of Natural Resources. That permit will stipulate Best Management Practices that are used during construction to basically minimize avoid erosion problems. In some of the conditions the Land Management Committed noted unforeseen erosion and they feel that the state statutes or the state standards properly address this within the NR216 permit. The NR216 permit requires a weekly inspection during construction of all Best Management Practices that are utilized to stop erosion during construction. Twenty-four hours after an inspection, within 24 hours after anything greater than .5 inches of rainfall. So when we say unforeseen, there are more than adequate checks within the required inspections of a NR216 permit at the state level, to catch erosion problems that would be starting and to address those because a Corrective Action Log is also required as part of that permit and that you show that you have noted the corrective action that needed to be taken and that it was taken and corrected. With regard to wetlands, if there is grading within proximity of a wetland, he is talking about rough grading associated with the land surface. There will be requirements in that 216 permit for silt fence around sensitive resources, wetland waterways, other Best Management Practices can be utilized such as silt socks, and things like that. The DNR also likes to see signage up to keep construction crews out of sensitive resources. In areas where there would be significant land grading, they do have panels that are proposed within some farmed wetlands in this project. That activity is very light on the land. It consists of a piledriver driving up and down. Would not constitute a regular impact by the DNR or the Corp of Engineers. Sanden asked as far as the construction is concerned, would that phased in, do you address all these parcels at once or do you go from one to another, do you

do two or three parcels at once, what is the timing? Mr. Karczewski stated with regard to construction, they do it in phases but construction meaning they would go in first and some presumption on his part, create all the access roads, if they have to improve some access roads, which is not anticipated, they would do so, then they would go in with piledrivers and do all the piledriving on all the PV arrays. Construction follows that type of process. They don't do the piledriving on one segment or a portion of the property, one PV area of block and then do the phase, attach the panels and do all the collector lines. They do it per element. Piledriving, installation of collector lines, installation of panels, you will see those things being started and taken all the way to completion before another aspect is started. Sanden stated this technology is ever evolving, actually evolving quite quickly, is your setup adaptable as new technologies may come around, this may become obsolete within 10 or 15 years. Can you speak a little bit to that? Mr. Karczewski stated he thinks what he is referring too is a question about repowering the project. Let's say the panels used on this project are 400 kilowatt panels, 20 years into the future, a marketable step up in technology is allowing the same panel design to meet 600 kilowatts, then it becomes a question of cost benefit analysis on the part of the owner as to whether or not to do something like that. That would constitute a change in the project and he believes they would need to come back to this group to get an approval of that repowering because it would require construction. Sanden stated one area it talks about areas used for ag purposes will be restored to their pre-construction conditions. Are you going to be doing surveys before development occurs so we know what those baseline conditions were? Yes, the applicant will work with the County to make sure there is a clear understanding of what those conditions are on all the local roads, drainage infrastructure, prior to construction. If that requires video tape, like a Go-Pro attached to a car, that is something that is typically done, and can be done so that there is hard documentation with regard to that pre-existing condition. The applicant will work with the County to clearly define how to document that pre-existing condition prior to construction. Holst asked, say we get some baseball size hail. How are these going to stand up, you talk about salvage value, if there is no salvage value, it goes back. You don't like one of our conditions in here. But if the damn things aren't worth nothing, we can't give you a value on that back against it. How do they stand up in that type of natural event? Mr. Karczewski stated panels go through testing USL standards through that laboratory. Impact is one of the testings that is done on panels, they can withstand a rather substantial hail storm and not take on damage, of course there are limits to the standard. There are anomalies associated with a storm, like baseball sized hail and one that would damage most everything out there. In those circumstances, the owner/operator would have insurance on that. Holst stated these things are extremely expensive to insure. Mr. Karczewski stated it would be fool hearty to have a facility of this magnitude and not have an insurance policy. Holst stated as an insurance company, he sits on the board of a small mutual. These things are one of their worst nightmares. Mr. Karczewski stated in case of a panel being damaged, it would be recycled. He knows that recycling is a question that has come up in the proceedings tonight. There are companies, panel production companies that actually have recycling programs in place for the panels that they sell. Recycling is moving at warp speed associated with development of recycling programs. There is a lot of value in the material of a panel, the glass, the aluminum, the copper that does give some value. In the case of insurance, it would compensate the insurance company. They would seek that. Things like this would not go to a landfill. Holst stated it's not like a wind turbine that has to be hauled to Colorado Springs because that's the only landfill that would take it. Mr. Karczewski stated correct. Gulbranson stated he has a question for staff, generally if the company wanted to change the number of panels they have in one of these boundaries or cut it in half, do they have that flexibility without coming back to us, if the landowner says it's OK? Pichotta stated within the fenced area, yes. Gulbranson stated so the inverters could move too. Pichotta stated unless there is a condition relating to distance the converter has to be relating to a residence or a property line. Pichotta stated he has a suggestion that we work our way through staff-recommended- conditions, and any one that has an objection from Ranger Power, we will have a discussion about it. He is going to facilitate this and Brad who was largely the guy who drafted and delved into detail of the staff report, will talk about what the condition is intended to accomplish. We will start out with Condition #2, Inverters shall be setback a minimum of 300 feet from any nonparticipating land owners lot line. Brad please explain this. Roy stated this was largely based off of the studies provided by Ranger Power as well as the studies they read independently. Sound impacts and the electromagnetic impacts, everything talked about 150 feet and it would near background levels on one aspect. The sound would reach background levels. The electromagnetic said it would near background levels at 150 feet. We took that to say, we want to make sure we are at background levels and there is no impact. So instead of 150 feet we went with 300 feet. Also, a side note, the sound study that was provided by Ranger Power, every assumption on that sound study that said, "it will have no impact on sound", is based off the assumption a

inverter is 250 feet from the property line. They are proposing, some of their maps so setbacks of inverters of less than 250 feet. So if this plan is approved as they are presenting it, their sound study would have to automatically be redone because in it, it says any inverter closer than 250 feet would need to be recalculated. So that is how they came up with 300 feet just to make sure any impact would be gone to a property owner. Pichotta stated that staff's goal is to not treat properties without residences any differently than those that do. If you allow lesser setback on properties without houses you have a greater impact on the potential for future uses. Our goal is to treat all properties the same. Ms Straka asked if they could address this. Mr. Kraczewski stated just a couple points of clarification with regard to the noise study that Stantec prepared. The 250 foot distance or a minimum of 250 foot distance in the conclusions is based from the sensitive receptor or a residence not from a property line which would not be considered a sensitive receptor. The 300 foot distance that is proposed within the condition is somewhat onerous. It takes away from some flexibility associated with the final design, in that, we meet the 250 feet from the residence. There are some inverters that come closer to property lines. In this situation, you are talking about a property line that has no residence within proximity of that inverter. It's just an agricultural field, primarily. We feel it's more appropriate to address this concern, not by setting a greater setback but rather agreeing to the post production sound study and then taking mitigative measures for any inverters that may be considered problematic to a sensitive receptor. Mitigative measures that can be used on some inverters are primarily mufflers. They are not immediately placed on all inverters because that does have an impact in the efficiency of the inverters albeit very small. The mufflers are attached to both the intake and exhaust where the noise is being generated from and can significantly reduce any sound production from that inverter that would be problematic. Sanden asked just to clarify what was your proposed setbacks? You said 250 from residences but that doesn't unfortunately address what they were saying about future residences. Mr. Kraczewski stated in this circumstance, trying to identify future residences would be extremely difficult, a problematic thing to do. In that case, that is why he is saying in a circumstance where an inverter is identified as problematic, there are mitigative measures to take on that inverter to minimize the sound levels associated with it. If someone wanted to put up a home next to an inverter, obviously the first thing would be maybe siting the home a little further away a better thing to do, but if that is not plausible, then actions can be taken to mitigate the sound that is generated from that inverter. Holst stated perhaps any inverter closer than 300 feet from a property line needs to be muffled. Mr. Kraczewski stated again, he would point to the condition that they are agreeing to with regard to this sound study, following post construction sound study and would much rather reserve that for that time rather than agree to it as a condition of the project. Pichotta proposed that they reduce the minimum setback for inverters to 250 feet instead of 300 feet. Sanden asked if they could put a provision in, if in the future a residence is built closer than 250 feet from an inverter that they install mitigation measures. Pichotta stated if we change the setback from 300 to 250, that would be to the property line not the residence. Sanden stated true. Pichotta asked if there was any more discussion on condition #2, if not let's go onto condition #3. Holst stated let's find out if this is acceptable to go to 250 feet, we are not going to come back to this again. Mr. Kraczewski stated if we are looking for a compromise on this, he would point to the other studies that show that they are achieving background at 150 feet and propose a 150-foot setback to inverters to property lines. Pichotta asked the committee if they would like to reduce it to 150 or leave it at 250? Aubart wanted to clarify that 150 was the noise study to residences and we are still talking about property lines here. Pichotta stated he thinks it needs to be property lines not residences. Pichotta asked if there was committee consensus at 250 feet, not to residences but to property lines? Holst stated 250 is the number he would like to see because it allows the adjoining property owner the ability to have his side yard within 10 feet of the property line. It doesn't take away from him, otherwise these people would be taking 90 feet away from the adjoining property owner. Pichotta stated moving to condition #3, Minimum 50-foot vegetative buffer, Brad would you like to talk about the rationale related to that. Roy stated that was largely based on the APA study for the vegetative buffering. That's how the 50 foot came, that was the recommendation from there. The rationale for putting buffering in was based off of our zoning code requirements for screening as well as the Land Management Committee policy relating to screening. Pichotta noted that their recommendation to include this has a lot to do with the history of this committee. If you think back over the past few years, how many different projects that you have seen, whether it be commercial, industrial or utility type uses and in every single case, you have required buffers whether it be a berm and screening, we have done berms a lot with the scattered balsams, offset. So that was our thought in requiring them. What we are trying to do with the vegetative buffers is to make it so that the solar project is not the dominant feature on the landscape. We are looking at community health here. We are trying to make it so this doesn't change the character of the area. That it blends in to the degree that is possible. It is not to

render it invisible, it's to render it visibly unobtrusive. Roy stated the applicant did express concerns requiring tree plantings due to shade issues so again working to the unobtrusiveness of it, that was the rationale of reaching 7 foot or the fence height for the majority of the height just to break up that view without compromising the project by putting in tall trees. Sanden asked him to repeat the rationale behind the 50-foot number. Pichotta stated the 50-foot number is the number that was recommended in the APA synopsis of their recommendations relating to the siting of large solar farms. Gulbranson asked if this barrier dies out, whose responsibility is it, is it the power companies or the landowner responsibility to keep this buffer there? Pichotta stated typically it is folks who own the facility because technically the buffer is associated with that. We had a case at the Red Wing Airport where we had buffer trees that died and the Red Wing Airport was responsible for maintaining them but in that case, they actually owned the property. Pichotta asked if there is any more discussion on the vegetative buffer or should we keep moving on. Ms Straka stated they have just a few more questions on the vegetative buffer. The condition states "if the existing vegetation is inadequate to serve as a buffer, new plantings of trees, shrubs and grasses" we are just trying to understand what exactly it's proposing and also point out that the zoning code doesn't require the buffer but it does allow it. To state that they are proposing this buffer outside of nonparticipating residences where necessary and where there is no existing vegetative buffer as well. Also, just keeping in mind, that the perimeter of the project is 18 to 20 miles long so it is a substantial cost. Pichotta noted that he was only able to hear about two thirds of what she said. As far as what it would consist of, our intent was for you guys to work with the Land Conservation Department to ensure that whatever is planted there is not going to get taller than necessary because we recognize there is a shade issue. Also the concern was raised earlier that at some point they want to be able to convert it back into agricultural land. The Land Conservation Department could certainly help with appropriate types of vegetation that would fit that bill. That was the thought of having you work with Land Con. Holst stated we had a situation where people wanted tall trees planted until the trees got tall and then they wanted short trees planted so they could see what was going on. We've been down both roads with this deal. Pichotta stated he would note to that the vegetative buffer could be waived/modified with the consent of the adjacent property owner. So there is certainly the potential, in cases where you are butted up against a cornfield, to have a discussion with the guy and do something reasonable. Holst stated if he was an adjoining property owner and had corn in his fields, he wouldn't want trees there so there might be more people that you can work with than you think today. Mr. Kraczewski, with regard to this condition, he thinks the language of the condition is overly broad from the standpoint of where this would actually be employed. Within our response to the condition, they would work with the landowners with regard to the sensitive receptor. That being the house in its view with regard to a reasonable buffer associated or landscape buffer. You would probably note that the hills out there are rolling. There are residences that are at a much higher elevation and no amount of vegetative buffer would be able to address the condition. With regard to the overly broad text of the condition, the perimeter of the project is about 18 to 20 miles. That is why he is saying it's overly broad in that aspect. He thinks the condition should be rewritten to address the comment that the applicant will work with the landowner to develop a reasonable approach where there is no obstructive view. In the case of ownership, there is a little bit of a nuance that he should point out with regard to the vegetative buffer. The ownership is tied to leases with regard to the land, the lease is tied to fence line. So with regard to the responsibilities associated with regard to the buffer, this may fall to the landowner not to the applicant or the owner/operator. In the case of a solar development, those elements or aspects are not tied to a parcel boundary rather a fenced PV array. Another point he needs to make with regard to the buffer, even though they are agreeing to a 50-foot buffer, 150 feet from residences and 50 feet from a property line, there are situations where that buffer expands to a much greater distance, that distance between fence and property line expands to a much greater difference. If they install or apply a vegetative buffer or vegetation to that buffer, it would limit, in those circumstances where it's much more expansive, it would limit that land owner's capability of doing a complimentary use such as continuing ag within that distance. Pichotta stated that may be the case that the lease only covers the land within the fence, our concern isn't necessarily about what the lease covers, our concern is about addressing and mitigating impacts to other properties. He would acknowledge that it may well be the case that there are many instances where the rolling topography or existing vegetation may be adequate. Our goal wasn't to address this in its entirety tonight but to have you come back and present a Vegetative Management Plan for how you are going to deal with all of those particular issues. In some places, it may be that not much is required. We are simply trying to treat all the properties that are adjacent to your proposed project the same, and ensure that the impacts are minimized whether it is a residential piece or not. Ms Straka asked just to clarify so the 50-foot vegetative buffer, staff is not saying it would be around the entire perimeter of the project but where it is necessary. Is that accurate?

Pichotta stated yes, that's accurate, it would be where it's necessary. It wouldn't necessarily have to be a 50-foot strip out there if it's on a 40 that already has a strip of woods that is on that edge. On the leased property that may well suffice. Ms Straka asked is the intention of the staff behind the 50-foot buffer to be along the property line? Pichotta stated the buffer would just need to be between the property line and the fence. We are not stipulating where it would occur specifically, we just need there to be some sort of vegetative buffer present. Sanden stated, Andy please correct me if I misstate, he agrees there is some vagueness to that statement also your proposed statement that applicants will work with landowners to develop a reasonable buffer, that has quite a bit of vagueness as well. He would be surprised if some of the people against this, wouldn't put up some very stringent requirements of you. Nothing would be adequate in other words. If you work with the Land Conservation Department and identify number one, those participating landowners that wouldn't necessarily need a buffer and as Andy is pointing out, areas that already have sufficient current vegetation or topography, that could certainly be reflected in that plan that you put together and as long as you have the feedback from those people that say you don't need a vegetative buffer or some indication of why the existing topography is adequate then he would assume that we would be able to accept that. Pichotta stated if you couldn't come to an agreement with an adjacent land owner, you could identify a default option that's what you would use because you worked that out with Land Con, and it's going to grow to 7 to 9 feet or whatever is agreed upon. There are going to be cases where you are not in agreement with the neighbor but it doesn't mean there is not a solution. Sanden stated he thinks that vagueness could work in your benefit as much as it could work against you. It's all how you work it out, as far as the plan is concerned with the Land Conservation Department. Pichotta noted that his goal is simply to work through the conditions and make sure the LMC is in agreement. He is less concerned with the applicant being comfortable with the conditions, it is the committee that needs to be comfortable with the conditions. Condition #4, The project shall be setback a minimum one hundred fifty (150) feet to all above ground project components from nonparticipating residences, at least one hundred (100) feet from property lines on nonparticipating properties (excluding fences and access roads), and sixty-seven (67) feet from all road rights-of-way. Property line setback may be waived/modified with consent of adjacent property owner (no less than 10 feet). Notice of consent shall be submitted to Zoning Office. Basically, somebody could waive it and as long as the agreement given to us, the setback could be less than 100 feet to the property. Pichotta asked if the committee was comfortable with that and keep moving? Committee consensus to keep moving. Condition #6, A Vegetative Management Plan shall be developed for the site and it shall be reviewed for approval by the Land Management Committee. The applicant shall work with the Land Conservation Department in developing the Plan. The Plan shall include trees and shrubs, seed mixes, vegetation maintenance, and weed controls for the vegetative buffer, facility construction as well as facility operations. Basically, we just want a plan and that's the plan that we have been discussing. This ties very much into #3. Condition #7, Construction main laydown areas shall be located at least 1320 feet from any nonparticipating residence. Secondary laydown areas shall be at least 500 feet from nonparticipating residences. Roy stated the 1320 is a 40-acre piece, that was the whole rationale for it. To keep your main construction areas at least a 40 away from any house. This is one of the few conditions where we identify residences and not property lines, being that construction activity is temporary. We weren't provided information on how many main laydown areas would be needed, or the duration of it. The 40 seemed reasonable. We looked at the maps of what it was and by his guess it looked like there was a handful. They are saying there are three, he isn't disputing that. He doesn't know if that works for what their plan was but again we didn't have a lot of information to go off of. The 500 for the secondary, that was based off of looking at distances from panels to residences at their proposals. 500 feet looked to be about the average they were proposing. For something like this again, a temporary construction, that's their average distance. Let's not put laydown construction areas closer than that. Sanden asked is there somewhere to see a definition of that? Ms Straka asked what is the difference between the main construction and the secondary areas? There would be one main construction area that would move around throughout the project and the second would be more of a trailer, temporary. Pichotta stated our goal with this particular item, as Brad said, was simply to try to ensure that offsite residences that are not participating in this don't have a full-blown, staging area, boom, right in front of them. That's the goal, to minimize and mitigate the impact on nonparticipating residences during construction. We thought 1320 looked pretty good but apparently it doesn't work as well as we thought. Aubart asked about a question brought up, if we are limited to three and traffic issues, there will be an increase all in one area. Have a greater impact or maybe a negative impact. Pichotta stated that was our intent in crafting that particular condition, perhaps it doesn't work well or maybe that condition isn't needed. Maybe there is another way of accomplishing it or maybe there is not. Holst stated generally when you have a major construction

project going on, you try to limit access to County, State & Federal Highways. That is the direction he feels they should be pushed into. They have a piece almost in the center of their project with adjacent to a State Highway. Maybe that's where they should dump their stuff. Pichotta stated they have, in their comments to the Town of Gilman, agreed to use main roads to the degree that they can. Holst stated main roads is a relative term. A main road to Gilman Township might be a township road. Pichotta stated in the Town recommendations and the applicant response to the Town asked that to the extent practicable, the heaviest vehicles and traffic will be limited to Highway 29 and County BB and that the primary construction staging areas be near that intersection. The response to that was "Western Mustang accepts the request to minimize traffic on town roads and will make efforts to do so." However, they want to clarify that the use of these public roads is unavoidable due to project location and design. He thinks they have agreed to do what they can but use of some town roads is going to happen. Holst stated that is understandable. Michael Lokensgard, asked if they could go back with respect made the laydown area 1320 feet, one quarter mile, for the laydown area. There was a discussion of being cognizant of where major roads are. What you seem to be doing, he hasn't looked at a map but are you creating a situation where basically there is not going to be a single laydown area within the project that is going to meet that criteria? Which is why he thinks the suggestion of going from a quarter mile to a shorter distance and he can understand coupling that with something saying stay off the town roads, use major roads, etc. There has to be somewhere, sort of like the thousand-meter, thousand yards school zone where you can't find a single spot in the area to actually stage from. If you are talking about a quarter mile from a residence that is a very limited number of places within the area to begin with and then if you are looking at coupling that with major roads. It seems to him that if you said keep it on the major roads but that distance has to be a little bit shorter otherwise there is potentially no place to go. Pichotta stated we are kind of mixing different issues here, road use and laydown areas. He would suggest that construction main laydown areas shall be located in a manner to minimize impacts to nonparticipating residences. Agreement and committee consensus. Input from the audience. Sanden suggested stating construction main laydown areas shall be located at least 500 feet from residences in a manner to minimize impacts. Pichotta stated he would be comfortable with that. Construction main laydown areas shall be located at least 500 feet, and in a manner to minimize impacts to nonparticipating residences. Committee consensus. Condition #13, Decommissioning Plan shall include a decommissioning cost estimate prepared by a State licensed professional engineer. The cost estimate shall provide the gross estimated cost to decommission the Solar Facility in accordance with the decommissioning plan and these conditions. The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values of the Solar Facility equipment and materials. Chairperson Fetzer asked what was the objection there. Ms Straka stated they are happy to provide an updated decommissioning plan that includes the cost estimate. But they would like the resale and salvage cost to be included in the cost estimate. Chairperson Fetzer asked why staff doesn't want the resale cost in there. Roy stated it's a changing number. Unless we are going to keep getting updated, decommissioning cost don't work after time. It's ultimately the County's responsibility if we are doing this, to ensure decommissioning. It's probably something we would hire out. In general, in the Zoning Office, he doesn't want to be put in charge of finding out salvage rates. If we just have a number, it simplifies things on the County's end. Aubart asked how is that number good? Is it today's dollars or thirty years from now? The number is no good anyway. Roy stated there would have to be updates periodically. We deal with this with mining too, at what point is the bond no good anymore. Aubart said when you said the salvage costs, you don't have that. That number moves all the time. They both move, it's an estimate from today's dollar. Roy stated he could be wrong but he believes salvage rates fluctuate a lot more than inflation. He is not a salvage person so that is an assumption he is making. Pichotta asked is this the recommendation of the committee, what are you comfortable with? Sanden asked if it would be acceptable to strike the last sentence and replace it with something like "this estimate will be updated every five years". Chairperson Fetzer stated five years is what he was thinking. Roy stated five years seems like a reasonable timeframe. Sanden so we exclude the resale and salvage rates but we update the numbers on a five-year basis. Roy asked who submits it? Sanden stated that then affects the decommissioning sureties. Those would have to be adjusted every five years. Chairperson Fetzer asked what? Sanden explained if we have the decommission costs updated every five years, that means condition #14, which is then, how they put up security would have to fluctuate every five years. That doesn't sound doable. Neil, #13 & #14 are tied together. It's basically the same number. Ms Straka stated they are happy to update the decommissioning plan every five years, that includes scrap and salvage value. Roy stated they are OK with that as long as they can incorporate the scrap and salvage. Pichotta stated OK, so we are good on condition #13 striking the last sentence and the decommissioning plan shall be updated every five years. Adank asked Andy where

do the salvage estimates come from? Roy stated the engineer would have to provide them. Pichotta stated OK, condition #14 which we lay out two different ways for the decommissioning security; a Letter of Credit or Tiered Security. He asked Ranger what their preference is, or is this no longer an issue now that you've got condition #13 the way you like. Ms Straka stated she thinks they do have questions about what #14 is proposing. As of now, what they have agreed to with the Town of Gilman is a \$500,000 bond posted before construction and then doubling that in year fifteen. That and then the other proposal they have is posting the full net decommissioning cost in year fifteen. Those are the two proposals they have. They are interested in how that can relate to condition #14 and need a little more explanation behind #14, for example letter a, is the full decommissioning cost assuming scrap and salvage value and when is that being posted. They just need a little more clarity behind #14. Roy stated those figures were based off the previous condition #13 and would not have included scrap and salvage. Now with #13 written the way it is, those are the figures they are going to use. #14 is about what form of assurance you will be providing. Ms Straka stated their proposal is acceptable in that case, in posting the \$500,000 before construction and doubling it in a letter of credit. Is that accurate? Roy stated as staff we are recommending the full amount up front or a tiered amount. Ultimately, it is up to the committee. Pichotta stated it's hard to put a dollar figure on it when we don't have a decommissioning estimate. Holst stated he just came from the Solid Waste Management meeting tonight and there is basically no value in glass or aluminum, no scrap values. I'm more favorable to either a Letter of Credit or a bond up front. A bond up front is the cleanest, easiest way to do it. It might cost them a little more but best for all parties involved. Pichotta asked if the committee agree there needs to be an assurance in place in the first fifteen years. Holst stated I don't know why we would treat these any different than we do cell towers or we do anybody else. We ask them to have a surety and we would expect that from these people also. Pichotta proposed to leave condition #14 as is. Roy stated would the committee just want to eliminate the option for a tiered financial assurance and just require the full amount right away? Sanden stated given that the decommissioning cost are unknown at this point maybe providing flexibility of keeping both options in. They can choose whichever fits. Roy stated he believes the consensus is to leave it with the two options. Pichotta stated alright, we can move on to condition #17, Owner/Operator should install deer fencing around the solar equipment at the height of seven (7) feet unless electrical code mandates a different height. No fence should cross a "navigable" waterway. Sanden asked if "should" should be replaced with "shall" Pichotta said good point. Roy stated staff mistake. Pichotta stated it is now "shall".

Jumping to #21 Any unforeseen erosion issues shall be addressed to the satisfaction of the County. The point with that one was not necessarily just during construction when there is a 216 permit out, in the future if there is an issue and we got a big rain and something blew out, we just want you to fix it. Sanden added that is pretty standard for most of the CUP's that we deal with. He sees that condition in there on a regular basis. Ms Straka stated they aren't objecting, they just think the condition is overly vague and they would like to tie it to a standard. Mr. Lokensgard asked if they were referring to an issue that rises to the level that something is actionable. Pichotta stated yes. Chairperson Fetzer stated if a major ditch washes out, they want it fixed up. Mr. Lokensgard asked if there would be a situation from the DNR or from the County, something like that? Holst stated one year we had a big flood in Martell country and 40 cows came shooting under the bridge. We don't want them to be coming off your land and shooting under the bridge. Chairperson Fetzer stated its the major ditching starts, we want that kind of stuff fixed up. Roy stated we will not be doing daily inspections, looking for issues. This is to address a major problem. Holst stated if you have sediment crossing the town road, then we need to address it. If you have a neighbor downstream and there is water coming off of your lease property, he has a right to make a living, then we are going to address it. Pichotta suggested adding a condition #27, Applicant shall provide six-month status reports to the Land Management Committee during construction. Chairperson Fetzer stated it sounds good. Mr. Lokensgard asked about #27, he stated he isn't sure Andy was reading the same one he was looking at. Pichotta stated he isn't looking at their list he is looking at our list. Holst asked if he wants six-month status reports once the project starts, 6, 12, 18, that sort of thing. Pichotta stated until construction is done. Holst stated every six months they come in and talk to us. Pichotta stated yes. Now we are on to the last page where it says the Land Management Committee should also consider the following conditions recommended by the Town of Gilman. The first stated they needed to buy modules from a manufacturer of a combined score of 85 or higher. He isn't sure that falls in the realm of what is a reasonable condition for us to place. Sanden stated he would think so too, it could, in fact, inhibit them to do things better. Chairperson Fetzer stated strike condition #27. Sanden stated it's now #28. Pichotta stated we did not include the conditions because we weren't sure whether the committee would support them. The next one is The applicant shall provide a financial assurance for the construction of the project in the amount of One Hundred and Fifty Thousand

Dollars (\$150,000) to Pierce County and the Town of Gilman. Not sure what that is for because they are going to be insured. He isn't sure that is a necessary condition. Chairperson Fetzer stated he doesn't know what that is for. He asked if there is anyone from the Town of Gilman here. Chairperson Fetzer asked a gentleman in the audience what the Town's intent was with that condition? Holst asked if that would be a refundable amount when the project was up and running. Holst stated we addressed that in conditions #13 & #14. Gulbranson asked if #13 & #14 address that. Pichotta stated he believes it does. Pichotta stated the next one is, The applicant shall keep and provide a list of all chemicals used for maintenance, et. (e.g. pesticides, herbicides, cleaners) including quantity and frequency of application of each. Applicant shall monitor soil, wells and drinking water supplies for any and all chemical residue annually. This is something that we require on gravel pits and those sorts of things where there is a high likelihood for spills. Chairperson Fetzer stated that he isn't sure what would justify it if they aren't digging down. Pichotta stated he would agree. Chairperson Fetzer stated he doesn't know what they have to do to clean those things, sprays and stuff. Pichotta stated in their application they stated basically rainwater takes care of them. Ms Straka stated the panels are just washed with water. There are not chemicals used for that. They are happy to provide a list of chemicals. In terms of the soil, water, and well monitoring, the problem from their perspective, any testing done post construction, unrelated to the project could be pinned on the project when it's not the project. That is maybe the compromise they would propose. Chairperson Fetzer stated that he couldn't understand what she said. Pichotta agreed. Ms Straka first of all the panels are going to be washed with water, not with any chemicals. They are happy to provide a list, it's a very short list. It's from the vegetation maintenance. However, the issue with the soil, well and water monitoring, if there is testing done and anything comes back that's not related to the project, it could be pinned on the project and that could cause a big issue for them. Pichotta asked what the committee's desire on that one, do you want to have a condition or not? Chairperson Fetzer stated no on well testing, he doesn't think they are going to be using much of anything that would impact that, he would support giving the County the list of chemicals. Ms Straka stated we can provide the County with a list of chemicals. Sanden stated so the Applicant shall provide a list of all chemicals used for maintenance. Committee consensus on condition. Mr. Lokensgard stated they still have to get their construction and stormwater permitting and all that. We are not out of that land no matter what. Holst stated some of the agricultural people here have to keep track of what they put on their land, when they put it on, what direction the wind is blowing, all of those types of things and he doesn't think they are asking any more of you than that, if you just treated it like it is still ag land, perhaps that would satisfy some people in attendance. Chairperson Fetzer asked Dr. Sanden how he stated the condition. Sanden stated, The applicant shall keep and provide a list of all chemicals used for maintenance to the County or the Town. Pichotta stated, the last one is The applicant shall provide Pierce County and the Town of Gilman relevant site plans, including erosion control plan, construction timelines, and other relevant construction information, at least seventy-five (75) days prior to the start of construction, to allow the Local Governments an opportunity to review and comment on construction information. The construction team should meet with County staff and Town representatives at a mutually agreeable date not less than forty-five (45) days prior to the start of construction. Sanden stated it sounds reasonable. Chairperson Fetzer stated that sounds reasonable. He asked Andy what condition #27 was again. Pichotta stated #27 is Applicant shall provide six-month status reports to the LMC during construction. This last one here will become #29. Sanden asked to make a statement, he thinks this was brought up during the comment period, when will this be reviewed, how will we know how things are going. Is it safe to say this will be up for review in two years, minimum? Pichotta stated this is more of an establishment CUP. Once it's up and functioning, it doesn't make too much sense to necessarily renew it every two years. Much like when we permit an accessory residence, it's there. Not like a mine where there is active crushing and impacts. That's the other thing with a CUP, if there are any issues, we can call them in whenever we need too. Holst stated he would hate to pull their permit and lose our lights. Holst stated once they are established, their financial liability is going to be exposed. They are going to want to do what they say they are going to do. It would be pretty expensive if we pulled their permit. Pichotta stated now he is going to quickly go through all of the conditions, #1 stays as is, #2 changed from 300 to 250, #3 stays as is, #4 stays as is, Mr. Lokensgard asked about condition #4, there was a note about the 100-foot setback. Ms Straka stated with regards to #4 and the 100-foot setback from property lines of nonparticipating properties that does create an issue for them in losing megawatts, the 12 megawatts that they discussed. They did agree to the 50-foot setback at the Town level. They just want to flag that for this committee. The adjustment of the setback from 50 feet to 100 feet from nonparticipating properties does create an issue for the project by losing 12 megawatts and redesigning the facilities. She just wants to flag that for this committee. The other thing she just wanted to make sure she heard correctly, is there is a two-year review on the

conditional use permit. Pichotta stated the only thing is the six-month status reports until construction is completed. Ms Straka stated for condition #4, they just want to push back a little bit, the 50-foot increase to 100. Pichotta stated again, we don't want it from residences, we want it from property lines. We have to treat all properties the same whether there is a residence on them or not. Chairperson Fetzer stated it's a matter of future sales and stuff, if somebody builds a house on them, we are watching out for that too. Holst stated that we have never discriminated against properties whether they had houses on them or not and we aren't going to start now. Pichotta asked if there was committee consensus on the 100-foot number. Committee agreed. Moving along to #7, Construction main laydown areas shall be located at least 500 feet from nonparticipating residence and in a manner to minimize impacts to nonparticipating residences. Moving onto #13, the last sentence, The decommissioning cost estimate shall not include any estimates or offsets for the resale or salvage values, that is stricken and should be replaced with The decommissioning plan shall be updated every five years. The next change is condition #17, The Owner/Operator shall install deer fencing around the solar equipment at the height of seven (7) feet unless electrical code mandates a different height. No fence should cross a "navigable" waterway. The new #27 states Applicant shall provide six-month status reports to the Land Management Committee during construction. #28 is The applicant shall keep and provide to the County and Town, a list of all chemicals used for maintenance. #29 The applicant shall provide the Pierce County and Town of Gilman relevant site plans, including erosion control plan, construction timelines, and other relevant construction information, at least seventy-five (75) days prior to the start of construction, to allow the Local Governments an opportunity to review and comment on construction information. The construction team should meet with the County staff and Town representatives at a mutually agreeable date not less than forty-five (45) days prior to the start of construction. Holst asked for clarification on condition #14. Pichotta stated his understanding is that we were simply leaving that as is. Holst stated then negotiate. Chairperson Fetzer asked if there was anything further.

Holst moved to find that the Large Solar Energy System for Western Mustang Solar LLC, is not contrary to the public interest, nor detrimental or injurious to public health, public safety or the character of the surrounding area. While the proposed use will have impacts on the community, these impacts can be mitigated to the degree that they do not rise to the level of being contrary to public interest or detrimental or injurious to public health and safety or the character of the area. I would further find that relevant studies have shown that in order for utility scale solar facilities to operate in harmony with other uses, adequate setbacks and buffers must be established, and other conditions imposed. Guidance from the American Planning Association provides substantial evidence that buffers and vegetative screening are key elements to ensuring that utility sized solar projects do not dominate the landscape and are a reasonable neighbor to rural living and agriculture. Given this, I would move to approve this conditional use permit with conditions #1 - #29/Aubart seconded. All in favor. Passed. Ms Straka thanked the committee for their time tonight and for the dialog and the community for coming out. They are going to continue to be working out here. Holst stated we anticipate that you will be good neighbors to these people. Ms Straka stated they will be.

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

Departmental Update and Future Agenda Items

Potential modification to a CUP for Belle Vinez

Renewal of the Gilles Quarry by Monarch/Mathey Paving

Renewal of the Bisel Pit by Pierce County Highway.

Potential modification to a CUP for BS Construction the pit by Mr. Sylla by Greg Bechel

Motion to adjourn at 9:20pm by Gulbranson/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
REVISED MEETING AGENDA
Wednesday, August 19, 2020 – 6:00 p.m.
Seyforth Building, Pierce County Fairgrounds,
364 N. Maple St. Ellsworth, WI 54011**

	<p>This meeting is being livestreamed at: https://www.youtube.com/watch?v=cRxyspPQ4mQ This viewing option is being provided by Western Mustang/Ranger Power as a courtesy to Town of Gilman and Pierce County residents who wish to monitor and not participate or who may have concerns about attending the Public Hearing. Individuals wishing to participate in the hearing (i.e. raise concerns, speak in favor of or against, etc.) will need to physically attend.</p>	
#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: September 2 nd & 16 th , October 7 th & 21 st , all in 2020.	Chair
3	Approve minutes of the August 5, 2020 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for a Large Solar Energy System in the General Rural and Primary Agriculture Districts, pursuant to Pierce County Code Chapter 240-41D(3), for Western Mustang Solar LLC, agent for Behrens Revocable Trust Agreement, Norman Solberg, John & Sonya Lenarz, MarShan Farms LLC, Phillip & Judith Verges, Nord Family Trust, Mattison Special Trust, Mai Yang, James & Sandra Mason, Nicholas Dangeur & Sonja Thompson, Nils Rahm, Rush River Solar LLC, Bradley & Patricia Turner, Eric & Linda Turner, Mark & Pamela Spence, Russell M. Spence Jr & Spence Trust, owners on property located in part of Sections 3, 4, 5, 8, 9, & 10, T27N, R16W, Town of Gilman, Pierce County, WI.	Roy
5	Discuss take action on Travel/Training Requests.	Pichotta
6	Future agenda items.	Pichotta
7	Adjourn	Members

A quorum of County Board supervisors may be present.

(8/7/20)

* **Revised August 14, 2020 @ 9:24am.**

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, August 5, 2020

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

Others: Andy Pichotta, Brad Roy, Emily Lund, Adam Adank and Shari Hartung

Excused: Jeff Holst

Chairperson Joe Fetzer called the Pierce County Land Management Committee meeting to order at 6:00pm in the County Board Room, Ellsworth, Wisconsin.

Next meeting dates: August 19th, September 2nd & 16th, all in 2020.

Approve Minutes: **Gulbranson moved to approve the July 1, 2020 Land Management Committee minutes/Sanden seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for Agritourism, pursuant to Pierce County Code Chapter 240-35B(1), for Dawn Stewart and Kerri Harting, owners on property located in Lot 3, Certified Survey Map (CSM) V8, P150 in the NE ¼ of the SW ¼ of Section 18, T27N, R19W, Town of Clifton, Pierce County, WI.

Staff Report – Adam Adank: Adank stated that he had received two emails from neighboring property owners asking to share a couple of their concerns and one was from the applicant with some additional background information. Pichotta noted that we didn't tell people they couldn't come. We discouraged them from coming but told them if they really wanted to come, they could. Adank: The applicants are requesting a CUP for agritourism to allow farm tours and several open house events on their property where they operate "Eagle Eye Farm". The farm is primarily an alpaca farm where they breed, raise, show, and sell high quality alpacas. Other animals on the farm include Kune Kune pigs, chickens, llamas, Valais black nose sheep, and miniature Highland cows. The farm tours would focus on educating the community about alpacas and other animals, highlight the benefits of agriculture, help people understand the importance of sustainability and agriculture, and show customers how to properly care for such animals. In May of 2020, the applicants were issued a LUP for a home business to sell raw fleece/wool produced onsite along with other products made from their fleece/wool and any products accessory to such goods. Part of the farm tours would focus on discussing the process of shearing their sheep, llamas, and alpacas and how that sheered fleece and wool are brought to a fiber mill to have yarn made for hats gloves, socks, sweaters, and other products for sale on their website. The business is mostly operated online but the applicants have indicated they would like to have an onsite farm market/store in the future so that customers have the option to buy items directly on site. The online store is called All Things Sheared, LLC. Additional information about the farm and the store can be found on their website (<http://www.eagleeyefarm.net/>). The applicants would also like the option to hold several open house type events each year. The Applicants have stated that the Alpacas Owners Association (AOA) encourages farms to hold farm tours/events including an annual event called Alpaca Days which is always held the last Saturday of September. This would be one of the open house type events the applicants are requesting. The property is located in the Town of Clifton. The property is 10.87 acres and zoned General Rural Flexible 8. Adjoining properties are zoned Primary Ag, General Rural Flexible 8 and Rural Residential 8. Pierce County Code (PCC) § 240-35B(1) classifies agritourism as an agricultural business operation. Ch. 240 Attachment 1 (Table of Uses) allows Agritourism in the General Rural Flexible 8 zoning district with the issuance of a CUP. PCC § 240-88 defines "Agritourism" as, "Activities conducted at a working agriculture operation and offered to

the public or to invited groups for the purpose of recreation, education, or involvement in the operation.” PCC § 240-88 defines “Agricultural Business Operation” as, “A site specific business reliant on the property’s active agriculture which may include multiple related uses managed as one operation. Applicants are requesting to operate seven days a week with hours of operation from 10 AM to 6 PM. Applicants are requesting up to 6 open house type events each year. Hours of operation requested for open house events would be from 9am to midnight. Applicants expect a couple hundred people could possibly show up for these events. The applicants expect that the farm tours will have around 10 people per tour with larger or smaller tours possible depending on the demand. Tours would last about an hour. The farm currently has 3 employees (not including the owners). However, the applicants have stated they may need more employees in the future. A Sanitary Permit for a holding tank was permitted in 2004 for a bathroom in the barn. This bathroom would be used for customers on the tour. Pierce County Code § 240-54 establishes parking requirements. Agritourism is not a listed use, but 1 parking space per 4 patrons is required for Commercial Recreation. Groups attending will be limited to approximately 10 individuals. The number of people at the open house events will range. There is plenty of adequate parking areas onsite along the barn and along the service drive to satisfy this requirement for daily tours. No advertising signs are currently onsite and the applicants have indicated they do not plan to advertise using signage at this time. The Clifton Town Board recommended approval of this request on 7-6-2020 without any concerns or suggested conditions. The Town did not reference its Comprehensive Plan, so it is assumed that the plan is silent on this request. PCC § 240-76G discusses expiration of Conditional Use Permits and states, “All conditional use permits shall expire 12 months from the date of issuance where no action has commenced to establish the authorized use. If a time limit has been imposed as a condition for the permit, the permit shall expire at the end of the time limit.” Following discussion with Legal Counsel, staff is recommending the Land Management Department and Committee not include any conditions which enforce other local and/or state ordinances and regulations that they have no control over. With such conditions in place, an applicants’ failure to comply with, or dispute about the administration of, another agency’s ordinance or licensing requirements could require the LMC to revoke their CUP. All local or state ordinances contain penalty provisions relating to noncompliance with that ordinance or rule. Given this, it is not necessary for the LMC to tie CUPs to compliance with other agencies rules and regulations. Eliminating these conditions would not excuse an applicant from the need to obtain all necessary permits and approvals; it simply removes the Land Management Committee from enforcing them.

The applicant is strongly encouraged to comply with relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Department of Safety & Professional Services (DSPS), Department of Health and Family Services, etc.).

Staff Recommendation: Staff recommends the Land Management Committee 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 found to be not contrary to the above, staff recommends the Land Management Committee approve this conditional use permit for Agritourism with the following conditions:

1. Activities shall be conducted as presented in the application unless modified by a condition of this CUP.
2. The applicants shall contact the Town of Clifton Building Inspector to discuss whether any structures need to comply with the Uniform Commercial Code (UCC) requirements. If the Building Inspector determines that a safety issue currently exists, use of the structure shall cease until it is code compliant.
3. Applicant shall secure a Land Use Permit for all future structures or signs prior to construction or installation.
4. Adequate portable outhouses (1 per 50 people), or other acceptable restroom facilities, shall be provided for the larger open house events.
5. Hours of operation shall be Monday-Sunday, 10AM to 6PM.
6. Up to 6 open house events are allowed each year. Hours of operation for the open house events shall be 9AM to 12AM.

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. One parking space per four customers and areas for ADA compliant parking shall be provided onsite.
9. Applicant shall submit a parking plan prior to the first open house type event for staff review. Plan shall indicate locations and number of parking spaces available.
10. If food is provided for any open house type events it shall be provided by a licensed food vendor.
11. A status report shall be made to the Land Management Committee in one year.
12. This CUP shall be renewed every two years. Permit may be renewed administratively if no compliance issues arise.

He suggested a thirteenth condition might be appropriate given access concerns. Condition #13 Applicant shall obtain written driveway access approval from the Pierce County Highway Department prior to any Agritourism activities. Adank stated they have their residential driveway to the north and along the south property line is where they plan to have customers enter. They don't plan to have anybody use their personal driveway. Chairperson Fetzer asked if it was through the woods. Adank stated there is a field road, gravel road there. Gulbranson asked if that was listed as an agriculture driveway or just like a field access driveway or is that an official driveway on the record? Adank stated its crushed rock, it's a nice driveway actually.

Chairperson Fetzer opened the hearing to the public. Adank read in the concerns from Andrew Sakschek, he is the owner to the south. He had three concerns, one was the driveway entrance will be ten feet from his property line and close to his house. Assuming he was concerned about seeing the traffic. Two, the driveway entrance could be located in a dangerous location. He thought on County Road F. This is one of the reasons we added the extra condition to at least have the Highway Department look at it. The third concern was cars missing the entrance to their driveway and using his private drive to the south as a turnaround. The other email with concerns was from Allen & Susan Nelson, they are also to the south but not directly adjoining the property. Kind of the same question about the driveway. They thought the driveway entrance was obscured due to trees and shrubs. It could cause increased traffic to their private road to the south. Their other concern was impacts to their property value. Chairperson Fetzer asked if Kerri answered any of those questions. Adank stated she saw all of their concerns. Her thought on some of that is, they weren't going to do any advertising signs, it's going to be by appointment only. If you feel it's necessary for them to advertise at the end of their driveway to make sure people aren't missing the driveway and using the private road more, she has a sign that she could put at the end. She actually has a sign that she was going to put it back further on the driveway where it wouldn't be seen from the road. She has already contacted Al Thoner from the Highway Department to see if she can get access approval. **Chairperson Fetzer closed the hearing to the public.** To alleviate some of the issues with people by-passing the driveway, it would probably be smart to have a sign out there. If this is going to be seven days a week until people know which driveway to use, he would think it would be smart to have a sign. Aubart stated if they are looking for an address, they are going to go to the residential driveway. Sanden stated on the other hand they do have to do a status report in one year. If they are doing it by appointment only, they'll make a point of telling them where to go. We'll reassess in one year. He isn't adverse to putting the restriction on right now either. Adank stated another possible solution would be to have them get an additional address number for the barn. Chairperson Fetzer stated that may help with that. Chairperson Fetzer stated that one of the neighbors is worried about people turning around in there he would like to alleviate some of that if they can. He grew up on a place that it happened all the time. Pichotta suggested adding condition #14 Applicant shall acquire a Uniform Address Number (UAN) sign for the barn. Adank state the reason she was leaning toward not putting one up is, she didn't necessarily want people to just swing in the driveway, she wanted it to be by appointment. Sanden stated but the address sign wouldn't cause a problem there. Pichotta stated that, with a separate address sign, if there was an emergency there, they would actually go to the right driveway. Sanden asked if it's a problem giving a barn an address. Pichotta stated no. Sanden asked if the applicants described a difference between a tour and an open house? Adank stated the tours would be for showing of the alpacas and caring for them and describing how they turn the fleece or wool into products. The open house type events, the only thing she stated about that is the Alpaca Owners Association (AOA)

encourages Alpaca Days, and he isn't sure what all that entails. Sanden stated it sounds like on the tour they guide you around and the open house, you kind of wander around on your own. Pichotta noted that condition #6, Hours of operation, 9AM to 12AM, that is a very long period of time. Aubart asked what day of the week is that. Gulbranson stated it's six of them. Pichotta stated we haven't specified days. Chairperson Fetzer stated they are only saying the one open house is Saturday, otherwise they aren't specifying any days. Pichotta stated he would think it would make sense to back that off from midnight to 9PM or 10PM. Gulbranson asked what is the celebration, Nationwide, is it like a party, is it business? Adank stated he doesn't know what all goes on for Alpaca Days, she didn't think it would go until midnight, she just didn't want to restrict herself and asked for more than she needed. Pichotta suggested looking at the map at the back of the staff and noted the zoning districts. This is abutted on two sides by Rural Residential 8. Rural Residential is intended to protect large lot residential development from incompatible uses so we should be cognizant of limiting potential impacts. The status report in a year is when we will find out how well it fits and if there are some additional conditions that might need to be placed to mitigate impacts to the neighbors. Chairperson Fetzer stated he would think 10pm would be late enough. Pichotta asked for the open house events? Aubart stated 10pm is late enough. Chairperson Fetzer stated that is in September and by 10pm it's dark. Aubart stated it's not the greatest stretch of road there either. Gulbranson stated it's busy and with the Highway, sometimes they will maybe make them use one driveway and branch off. Pichotta stated if it's an unsafe situation, it would need to be corrected. Gulbranson stated they will go out and time it. But it didn't look too bad there. Aubart stated there is a curve and then you go down into that hollow toward FF.

Gulbranson moved to approve the request for a conditional use permit for Agritourism for Dawn Stewart and Kerri Harting, finding that the use is not detrimental nor injurious to the public health, public safety or the character of the surrounding area, with conditions #1 through #14, amending condition #6 to read "Up to six open house events are allowed each year. Hours of operation for the open house events shall be 9am to 10pm."/Sanden seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for a Private Outdoor Recreation/Dual Sport Event, pursuant to Pierce County Code Chapter 240-39E, for Valley Springs Motorcycle Club Inc, by Scott Freier, agent on properties located in the Towns of El Paso, Hartland, Isabelle, Salem, Trenton, and Trimbelle, all in Pierce County, WI.

Staff Report – Emily Lund: The Valley Springs Motorcycle Club Inc. received a CUP on 6-15-2016 to sponsor and hold an annual event called a Dual-Sport Ride. The CUP was renewed on 8/15/2018. This is the second renewal. The Dual-Sport Ride is not a competition; it is an event that allows a limited number of riders to utilize licensed street-legal light weight dirt bikes. They will follow an organized and mapped on- and off-road trails. There are many connecting points to stop for gas, snacks, and restrooms. In 2016-2018, the events were 1 day, but after 2018, they may be a 2-day event. The properties are in all those towns mentioned. They are in the Agriculture Residential, Commercial, General Rural, General Rural Flexible and Primary Agricultural zoning districts. The number of participants is limited and will not exceed 200. The riders are released in groups of ~10 with 15-minute intervals. The route is 100-200 miles within Pierce County. If they break down they have people that can pick them up. In 2016 they camped at the Gas Lite. The events from 2017 - 2020 started and ended at the Pierce County Fair Grounds, where camping was also available, where they liked the location and amenities around. The applicants have and should in the future, contact the Department of Public Health to comply with their regulations, licenses, and/or permits regarding any temporary event food service or any special event camping that is proposed for this event. The applicants do not plan to have any advertising signs. The off-road trails will be marked for riders. They do have advertising on their club website. The certificate of liability insurance was updated on 6/30/2020. The sheriff's department and the area ambulance services will be notified and requested to be on stand-by. The more recent events took place on 7/20/2019 and 7/25/2020. The Town Chair for El Paso, Hartland, Isabelle, Salem, Trenton, and Trimbelle indicated no issues or complaints were reported within the last two years. The existing conditions are listed #1 - #11 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether the current conditions remain adequate to protect the public health, public safety and the character of the surrounding area.

If determined to be appropriate, staff recommends the LMC renew this conditional use permit with the following conditions, as well as any additional conditions deemed appropriate (proposed additions are in **bold**, proposed deletions are ~~struck through~~):

1. Activities shall be conducted as submitted in the application and as presented to the LMC, unless modified by another condition of this CUP.
2. Applicant shall also comply with all relevant local and state ordinances and regulations and secure all necessary permits and licenses (e.g. Dept. SPS, Department of Public Health).
3. The dual sport event may be held annually. The event shall not exceed two (2)-days in duration. Staff shall be contacted regarding any modifications to approved plans or any change in properties to be utilized for off road activities, to determine if a new CUP is necessary.
4. Hours of operation shall be 8am to 6pm, or as otherwise established by the LMC.
5. Emergency services (Sheriff's Dept and EMS) shall be given adequate notice of event and route.
6. Any advertising signs shall comply with the zoning code standards and any necessary permits shall be secured prior to sign installation on property.
7. A copy of the insurance and any changes to the insurance shall be submitted to the Land Management Department.
8. Camping shall be limited to ~~the Gas Lite property, contingent on owner approval.~~ **approved campground sites.**
9. The CUP shall expire in 2 years.
10. 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.
11. Applicant shall notify towns and the Land Management Department of future events.

Pichotta suggested we strike conditional use #2. Aubart asked if there have been any issues. Pichotta stated, if you recall the first year they scared some cattle, maybe some horses. Chairperson Fetzer stated they switched their route to a different area so it's not been an issue. Aubart asked so we haven't had it since then? He asked if there is any reason we can't have this renewed administratively or what's your thought on that? Chairperson Fetzer stated as long as there are no complaints? Pichotta stated yes, that could be added. Although we may be seeing a new CUP request. They may want to go to five or six days a year, multiple events but one-day events. As long as they continue under this, he would have no qualms about adding a new condition #11 CUP may be renewed administratively if no compliance issues arise. **Aubart moved to approve the renewal of the conditional use permit for a Private Outdoor Recreation/Dual Sport Event for Valley Springs Motorcycle Club Inc, Scott Freier, agent, with conditions #1 - #11, striking condition #2 and adding condition #11 conditional use permit may be renewed administratively if no compliance issues arise/Sanden seconded. All in favor. Passed.**

Discuss take action on Preliminary Plat Approval for Hidden Hills of the Kinni Phase 2 for Cory & Gena Huppert, owners, by Dan Kugel, agent, on property zoned General Rural Flexible 8, described as the NE ¼ of the SE ¼, the E ½ of the NE ¼ and the SW ¼ of the NE ¼, all in Section 9, T27N, R19W, Town of Clifton, Pierce County, WI. Staff Report – Emily Lund: On 1/2/2019, the LMC approved the Hidden Hills of the Kinni concept plan for 33 lots on 165.05-acres. The LMC approved the preliminary plat on 7/3/2019 and final plat on 1/15/2020 for 13 lots. This is the Phase 2 with 20 lots. The property is located in Section 9, in the Town of Clifton. The LMC met on 2-27-2020 and has listed three conditions of their review and approval. There are easements on this plat. The applicant did get DNR, NOI and WPDES permits and they are good for the next three years, once they start their construction activity. The DOA Plat Review, reviewed and certified the preliminary plat with their letter of 3/22/2020. They estimated the cost of installing erosion control measures to be \$30,650. An irrevocable letter of credit in the amount of 200% (or \$61,300) of the estimated cost of installing and maintaining erosion control measures was submitted on 7/7/2020. The irrevocable letter of credit is currently being reviewed by the Pierce County Corporation Council. Proposed lots do meet the slope and frontage requirements. Preliminary soil borings were submitted. The covenants were recorded on 1/28/2020 for

both phases of the plat. The property was reviewed to see if it was subject to any hazards to life, health, or property; no such hazards were found. Traffic control signs and uniform road numbering signs will be installed at the intersections of 817th Ave & 1100th St. All parcels meet the Town of Clifton 3-acre minimum lot size. The Clifton Town Board approved the preliminary plat of Hidden Hills of the Kinni Phase 2 on 2/17/2020. A Developer's Agreement between the applicants and the Town of Clifton was signed and recorded on 2/4/2020 as Document No. 590700 and covers both phases of the plat. Pierce County plat review fees in the amount of \$3,000 were paid today.

Staff Recommendation: Staff recommends the Land Management Committee to approve this request for preliminary plat approval with the following conditions:

1. All conditions of preliminary plat approval shall be met prior to construction and installation of roads or erosion control measures.
2. Roads shall be built to Town of Clifton Town Road Standards prior to final plat approval. The Town Engineer shall be involved with the Town Road review and approval.
3. All conditions recommended by the Pierce County Land Conservation Department and Committee shall be met (1-2). Land Conservation staff shall be contacted when construction begins.
4. Erosion control measures shall be installed according to approved plans and associated conditions, and the site stabilized, to the satisfaction of the Land Conservation Department, prior to final plat approval. Applicant understands that final plat approval will not be granted until the Department of Land Management is notified by the Land Conservation Department, in writing, that the project is eligible for final plat approval.
5. A statement of completion that is signed and stamped by a certified professional engineer that the erosion control and storm water measures have been installed according to approved plans shall be submitted. Any deviation from approved plans shall be noted on as-built plans that shall be submitted with the statement of completion. Any issues requiring follow-up (punch list) should be listed along with a proposed schedule for completion.
6. Applicant agrees that any unforeseen erosion issues that arise during construction will be addressed to the satisfaction of the county.
7. The irrevocable letter of credit in the amount of 200% (or \$61,300) of the estimated cost of installing and maintaining erosion control measures that was submitted shall be reviewed and approved by Corporation Counsel. The letter shall be renewed if the erosion control measures are not completed.

Stike condition #8, the review fees have been paid.

8. Traffic control signs and uniform road numbering signs shall be installed at the intersections of 817th Ave & 1100th St
9. Applicant shall obtain all necessary sign permits (i.e. temporary new development signs; on-site construction signs; on-premises residential neighborhood signs).

Chairperson Fetzer stated everything must have went well with the first phase, otherwise we wouldn't be seeing this one. Sanden asked about the second plat map, what is the orange line. Roy stated there is a 15ft setback from the bluffline on the St. Croix River. Gulbranson asked what rule is that. Roy stated it's in the zoning code.

Gulbranson moved to approve the preliminary plat for Hidden Hills of the Kinne Phase 2 for Cory & Gena Huppert with conditions #1 - #10, striking condition #8/Aubart seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial District, pursuant to Pierce County Code Chapter 240-37A, for William F Holst III, owner on property located in the N ½ of the SE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Brad Roy: The applicant received a conditional use permit (CUP) for nonmetallic mining to expand the mine in 2014. A screening plan was presented and approved by the LMC in March, 2015. The screening plan and operation were again discussed in May 2015 and a modification made to the screening plan relating to tree height. The expanded area is approximately 22 acres and the area to be mined is approximately 20 acres. The applicant anticipates that it will take many years, up to 50, to extract all of the material in the newly permitted area. The adjoining pre-existing nonconforming mine has 110 open acres. Surrounding uses

include mining, agriculture, industrial uses and higher-density residential. The applicant owns a farm site on the property. The structures will be demolished when the rental agreement expires. There will be no blasting or chemicals used, and extraction will be done with frontend-loaders. The mined materials will be hauled north to the nonconforming mine for processing. Processing will include crushing, screening, sorting, grading and blending with use of conveyors, screeners, stackers and other equipment. All washing of the sand will take place in the pre-existing mine. Washing will be needed to remove fines and will use an existing high capacity well. Servicing and fueling of equipment will take place in the pre-existing nonconforming mine. Extractions will go approximately 40 feet below the existing grade. This will result in the floor of the pit being at an elevation of 712', which is only a few feet above the ground water table. Ground water has been encountered in the adjoining mine. When most of the mineral deposit above the water table has been removed, the applicant will explore the possibility of mining below the water table. This decision will need to be made at a future time. The applicant cannot determine if mining will below the water table will be economically feasible many years into the future. The entire site is internally drained. The reclamation plan states that the post-mining land use will be industrial uses. A portion of the site is cataloged as an archeological site. The applicant is working with the State Archeologist on this issue. The required Groundwater Response Plan has been received. It details measures taken to protect the groundwater beneath and adjacent to the extraction operation. A Storm Water Pollution Prevention Plan and a Spill Prevention, Control and Countermeasures Plan are not required by the DNR. The last well tests were submitted for 2018. The levels are consistent with those received in 2015. Some of the properties do exceed EPA levels for nitrates. The area is known for having high nitrates. No tests were submitted for 2019. He spoke with the applicant today and the tests for 2020 are currently being completed. The applicant has previously requested removing the well test requirements. The Town of Trenton chairperson was contacted regarding this renewal. Staff has heard back from the Town and they have no issues. The existing conditions are listed in the staff report #1 - #11. Following discussion with Corporation Counsel, staff is requesting to remove condition #2 due to its requirement to enforce other agencies requirements.

Staff Recommendation: Staff recommends the Land Management Committee consider whether the current conditions remain adequate to protect the public health, safety and character of the surrounding area; if so, staff recommends the LMC renew this conditional use permit with the following conditions, as well as any additional conditions deemed appropriate:

1. Activities shall be conducted consistent with the application unless modified by another condition of approval.
2. Prior to extraction of any material from below the water table the applicant shall present proposed plans to the LMC for review and approval.
3. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
4. A 100-foot buffer shall be maintained from the active mining to the property boundaries. A 200-foot buffer shall be maintained around existing offsite residences.
5. Hours of operation within areas zoned General Rural Flexible (GRF) shall be limited to 6am to 7pm, Monday through Friday.
6. Testing of the wells on properties within 1000' of mining activity shall be comprehensively tested, including for suspended solids, nitrates and dissolved solids and chlorides, annually. Base line data shall be obtained prior to mineral extraction. Test results and the base line data tests shall be provided to the Department of Land Management.
7. Applicant shall obtain all necessary permits for structures, signs, or activities not discussed in this plan from the Zoning Office.
8. Any lighting shall comply with the Land Management Department Policy.
9. Applicant understands that any intensification or expansion of the use will require the issuance of a new Conditional Use Permit.
10. This permit shall expire in two years.

The only change is the removal of the previous condition #2. Chairperson Fetzter stated the last time we had the discussion with him, he wanted to get out of the testing the wells. How close are any homes? Roy stated it's tricky, the closest homes are right across from County Road K. He probably has homes closer than that to the

pre-existing portion of the mine but really, we don't have any authority to get in and request testing on those portions. Chairperson Fetzer asked if those are not being tested. Roy stated he can't say how many he sends in. He might include everything adjacent to all portions of the mine but looking at the expansion area, they are all across County Road K, outside of the farmstead on the site which he owns. Sanden asked if the testing has been done since 2014 and nitrates are the only issue that's come up so far. Roy stated yes. Chairperson Fetzer stated that's always been there. Sanden is just concerned with it now going below the water table. If that is going to cause any issues and to that end, the groundwater response plan. Who was that written up by? Roy stated that was written by Johnson and Scofield, an engineering firm. Chairperson Fetzer stated we talked about that before and we thought it was protecting him as much as anything. Roy stated yes. Chairperson Fetzer asked if that is an every year deal? Roy stated it is every year. If we don't tell him to do it, he doesn't do it. If anything, you could go to every other year. Gulbranson asked, when we did the Maiden Rock mine, they asked to have that removed and we didn't remove it. We made them still tests the wells around the area even though they weren't doing it. So do we kind of keep these mining operations kind of the same or are they all treated individually different. With the well testing. Pichotta stated we try to treat them all equal in that regard. Gulbranson asked if that would include a County mine also. Pichotta stated yes. Chairperson Fetzer stated there were a lot of complaints on the Maiden Rock mine. Pichotta stated this particular mine has very shallow groundwater associated with it. Sanden stated he is sure the groundwater is traveling toward the Mississippi River so it's going to be in the river soon enough but there are a few houses in between the mine and the river. He isn't very well informed about mining operations but it seems they were always very careful to make sure there was a buffer between the floor of the mine and the groundwater. Given his ignorance, is there anything he should know about a mining operation when they do encounter groundwater. Are there any special considerations? He recognizes that it's nonmetallic so it's not like they are mining metallic ore. Roy stated the biggest thing is keeping the spills out of the groundwater. The extraction shouldn't have much of an impact. Just bringing all that equipment and everything that close, if you have a spill, once it's in, it's in. There is no taking it out. Sanden, apparently the groundwater plan would address that? Roy stated it would, along with the Spill plan. The DNR does not require Storm Water Pollution Prevention Plan and Spills Plan. When speaking with the engineer, it's basically what we ask for in the Groundwater Response Plan, all the information that you would be submitting to the DNR for that plan. Get a plan in place. Sanden stated that what you just said about spills, that might argue to keep the testing in place. Committee consensus to leave condition as is.

Sanden moved to approve the request for renewal of the conditional use permit for Nonmetallic Mining with conditions #1 - #10/Aubart seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for a Heavy Industrial Use (Sand Processing Facility) located in an Industrial District for William F. Holst III, owner on property located in Sections 28, 33, and 34, all in T25N, R18W, Town of Trenton, Pierce County, WI. Staff Report – Brad Roy: Looking at the same property, in 2012, WISC obtained a permit for a Mineral Processing and Rail Load-Out Facility. The permit was valid for two years and could be administratively renewed. In 2014, WISC presented staff with information which demonstrated that they had taken action to establish the use without actually constructing the facility. Staff renewed the permit administratively for another two years. Prior to the 2016 renewal, WISC indicated that it no longer has any intention of constructing a processing and load-out facility. The property owner, Mr. Holst, had proposed to establish a mineral processing and rail load-out facility on the site utilizing the existing Conditional Use Permit, as a CUP typically runs with the land versus with the agent or operator. Adjacent land uses are nonmetallic mining to the east and west, residential to the north across Hwy. 35 and agriculture to the south. High density residential, Rural Residential 20 District, is located near the proposed site approximately one-half mile to the south. Since the last renewal the applicant has continued to work with the BNSF Railroad on the design of the rail sidings. The applicant has tentative approval, but additional engineering is required before final approval. The first structure to be constructed are four rail sidings, one to connect to the main line and three others for the loading of rail cars, as well as a structure for loading dry sand onto the rail cars. Future plans call for the construction of a wash plant and dry plant. The facility would receive, wash, dry, screen silica sand for shipment and is proposed to operate 24 hours a day,

seven days a week. A new Traffic Impact Analysis (TIA) will be needed to determine if any road improvements are required. The proposal states that outbound rail shipments will average 200 cars per week. Loading trucks for shipment will consist of a conveyor and a hopper. Truck shipments are secondary and will be predominantly local. Unsalable product would be used in mining reclamation. The plan requires two high-capacity wells. The water will be used to wash the sand and remove the clay and silt-sized particles. The wash water will be recycled using a closed-loop sand dewatering system, ponds, pumps and pipes.

- The WDNR permits high capacity wells. Any new high capacity well application is required to face an environmental review.
- The aquifer used for the high capacity wells will not be the same one used for the existing residential and agricultural wells in the area.
- One potable water supply well will also be needed on the site.

WDNR regulates and monitors storm water and process water through the WPDES Permits. Operation of the proposed plant will necessitate the development and implementation of a Storm Water Pollution Prevention Plan and a Spill Pollution Control and Countermeasures Plan. These plans will identify potential sources of stormwater pollution and spills of oil-related materials and other chemical, and establish controls to minimize any potential impacts to surface waters. A Fugitive Dust Plan will need to be developed for the facility. The submitted plan outlines various methods for dust suppression on the site. The WDNR Bureau of Air Management permits and monitors emissions of nonmetallic mining and processing operations. Their jurisdiction ranges from extraction to shipment. The applicant is proposing various practices to limit the noise onsite.

- Loaded trucks entering the site will unload in a continuous forward path to eliminate backup alarms.
- All equipment owned by WISC will utilize a “hissing” backup alarm instead of a “beep.” Per MSHA regulations the backup alarms must be louder than other ambient noise.
- The site will have a track mobile which will reduce the noise from moving the rail cars.

A maintenance building and office will be built with potable water and septic system for employees and visitors.

Staff received several concerns from nearby residents when the original facility was proposed. The Town of Trenton recommended approval of the original proposal on May 9, 2012 without reference to the Town Comprehensive Plan and with the following recommendations:

- Extend berm on Hwy 35 and include trees on top.
- Lights shall be adjusted away from residences.
- Noise controls shall be implemented.
- Berm shall be constructed along County Road K to block view of the railroad.
- All rail cars shall be behind the berm on Hwy 35.

Trucks shall have a drive-through unload to avoid back-up alarms. The existing conditions are listed in the staff report #1 - #14. Again following discussion with legal counsel, we will be striking condition #2.

Staff Recommendation: Staff recommends that the Land Management Committee consider whether established conditions are adequate to protect the public interest, public health and safety, and the character of the area and determine if any modifications are necessary. If no changes or additions are necessary, staff recommends that the LMC renew the CUP with the following conditions:

1. Activities shall be conducted consistent with the submitted plan.
2. Applicant shall obtain all necessary permits for structures or signs not discussed in this plan from the Zoning Office.
3. Applicant agrees that any erosion issues that arise shall be addressed to the satisfaction of the county.
4. Applicant shall be subject to control methods deemed adequate by the LMC for silica emissions if current or future studies suggest a significant public health threat exists.
5. Any polyacrylamide flocculants must be used consistent with WI DNR permits.
6. The Fugitive Dust Plan shall include dust suppression methods for any stockpiled materials, at sand transfer points, and during instances exceptional events such as high winds.

7. The operator shall provide notice to the County of any orders to cease and desist from MSHA.
8. This permit shall expire in two years. A status report shall be made to the LMC in one year.
9. The Town of Trenton's recommendations/comments shall be adhered to.
10. Site plan approval and any potential height exemptions shall be obtained prior to any construction.
11. Applicant shall present proposed plans to the Town of Trenton. Concerns raised by the Town can be addressed through site plan approval or as a modification to this permit.
12. The applicant shall submit a Traffic Impact Analysis, or similar document, to the WisDOT and make any suggested road improvements.
13. Any unforeseen impacts shall be addressed to the satisfaction of the County.

Roy stated he contacted the Town Chair and there are no complaints. Gulbranson asked if you got a permit for spurs, that's a big deal and something would go there whether it's mining or something else. Pichotta stated that the applicant had another CUP for a loadout station, not far from this location, that was going to load things other than sand. This was a more desirable location so he kind of switched his plans from over there to here. The primo spot was the spot he had leased to WISC. Gulbranson asked if he can get to the river? Pichotta stated no. That would be good for the County if there was an ability to load onto trains down there. Chairperson Fetzer was surprised that he got preliminary approval because that is a big step. Sanden stated he assumed the Town of Trenton's recommendations have been implemented: the berm, the lights, the noise control. Roy stated yes. However, there is nothing out there yet. There are no trucks backing up but the berm and trees are out there. **Gulbranson moved to approve the request for renewal for Heavy Industrial Use (Sand Processing Facility & Rail Loadout Facility) with conditions #1 - #13/Sanden seconded. All in favor. Passed.**

Discuss take action on proposed 2021 Land Management Department Budget. Staff Report – Andy Pichotta: Basically if you look at the existing 2020 budget and the proposed budget for 2021, not much difference, and in fact the changes to insurance in the Planning Budget make it so we are actually 1% under this years budget. The Planning Budget decreased by almost \$15,000 due to a change in health insurance. The other three increased slightly due to an increase in personnel costs. The other interesting piece on this, is the Land Records and Modernization Funds and Grants. This is probably one of the more interesting parts of the budget. When someone records a deed in the Register of Deeds Office, a portion of those fees goes to the State and they give it back to us in the form of a grant. We also retain some funds and all of this is used to implement our Land Records Modernization Plan. The Plan is put together by a group called the Land Information Council made up of a local realtor, the County Surveyor, Register of Deeds, Real Property Lister, himself, and a couple others. Basically the County has about \$100,000 a year to implement the Land Records Plan. What the State does is give you a Base Budget Grant that when you add that to what you retained, it equals \$100,000. At this point in time, we are getting \$100,000 a year, guaranteed for development of land records. And in the last few years they have also given us what is called a Strategic Initiative Grant which has been \$40,000 or \$50,000. That is how we have flown the County at 9 inch pixels. We have done LiDar. We flew 6 inch this year so we will have air photos from that. What we are proposing in 2021 is to do 6 inch obliques. What you do is take a photo here, straight down, then you take one here and here and here (each side). You are able to look at things from different angles which is useful to a lot of folks. Sanden stated that is really good for assessors so they can see a building rather than just a roof footprint. It's useful for emergency services, they know what they are getting into, a two-story house or one-story house. Pichotta stated that we are proposing \$3500 for parcel updates, \$7000 for GIS maintenance, \$6600 for ArcGIS annual maintenance and licensure, \$3485 for ProWest annual maintenance which is our website, where we have online GIS. \$2213 for Pictometry, we get 50 licenses along with that and that is basically the interface to do what Dr. Sanden was describing. \$15,000 for a temporary position in the Register of Deeds Office and they are basically catching up on the backlog of old scanning that they have to do. They are farming out the scanning of old plats and old city maps. Then that flight we just discussed. The potential total is \$117,000 sometimes we don't end up spending the total amount for the parcel updates and other line items. That's just the best guess. \$117,000 is what we are proposing out of the Base Budget, out of retained fees and the Strategic Initiative. Lastly, Revenues include land use permits fees, public hearing fees, sanitary, soil test review fees, GIS fees, CSM and plat review fees, WI Fund etc. Once again, he

expects the revenues to be pretty similar to what we saw this year. The reality is that revenues have been up a little bit this year which is kind of surprising. He didn't bump them up in response to what we are seeing this year because he thinks there were a lot of building projects in the pipeline to get built and a lot of folks planned to do things. The way 2020 is going, who knows what's going to go on in 2021. Gulbranson asked about the grants, at the end of the year if you haven't spent it do you lose it? Pichotta stated no. Gulbranson asked, it carries over? Pichotta stated it carries over. We try to spend the grants first. Actually, we do have to spend the grants in about 18 months. We basically pay for the big dollar items with the grants and then the other things that we may not spend, the retained fees are a non-lapsing account that actually has \$250,000 in it right now. We are in really good shape as far as that particular program goes. Jumping to the budget worksheets, there is not much change. The County Planner, that is an expenditure budget, 30% reduction in health insurance. There are a couple things that he bumped up. Zoning, there are a couple 3% changes but they have to do with step increases. There is an increase in salaries, social security, retirement, dental insurance, typical personnel costs and that's the only increases. He bumped down a couple items, telephone from \$1500 to \$1000, publishing legal notices a little bit. Also bumped gasoline down a little bit. Surveyor, some slight changes in personnel costs, staff opted not to take the dental insurance so it's no longer being budgeted for. GIS, personnel costs and all the line items that go along with a change in salary. Zoning Revenues, basically anticipating what we have seen to continue. The 2019 Zoning Permits were \$70,427. Sanitary Fees were \$40,600. Land Records fees \$4,600. Anticipating fairly similar things, but he did, at the suggestion of Admin bump up sanitary to \$30,000 from \$25,000, as far as anticipated revenues. Surveyor Revenues, 2019 actual was \$7,000. Typically, we see about \$6,000 so that is what he is leaving it at. Land Info Grants, \$87,000, that is \$47,000 for the Base Budget Grant and \$40,000 for Strategic Initiative. If you look at 2022 & 2023, he is not really anticipating the strategic initiative grant to continue too much longer. Sooner or later they are not going to give us the Strategic Initiative Grant. Register of Deeds, Land Records, that is an expenditure budget. This is basically a budget for the retained fees. We are proposing to spend about \$30,000 out of that particular fund: \$15,000 for the temp person and \$12,400 for Sundry Contractual Services which is some of the subset that was on the backside of the Memo that he first presented. Land Information Grants, again, \$89,000, we are anticipating a grant for \$49,000 and anticipating \$51,000 for retained fees. We will probably get a \$40,000 Strategic Initiative Grant and then there is \$1,000 that we get for Training and Conferences. WI Fund Revenues, the is a program that has sunset. We got our last revenue this year. Folks that met certain income restraints were able to get a portion of their replacement septic system paid for by the State. He doesn't imagine it will get re-upped. It's been planned to sunset for a few years now. Gulbranson stated that doesn't cover too many septic systems, does it? Pichotta stated no, it's just a portion and he understands this last go around, there was a lot of applicants so people only got about 40% covered. Capital Improvements, he isn't really planning on replacing anything in the next four or five years. He wanted to get a sense from the committee, we have two 2014 vehicles and a 2016. He could put replacement to those vehicles next year starting in 2026 but there is no reason to replace those things, not for a long time. He thinks we ran a couple vehicles for nearly 20 years. Chairperson Fetzer asked how many miles they put on in a year. Pichotta stated probably around 15,000. It's depends largely on the number sanitary inspections. Aubart stated your total station would be outdated probably before too long. Pichotta stated that is exactly right. We bought our first station in 2001 and used it through 2016. Now we have to replace it every three or four years because you can't update them anymore. A total station is actually a legitimate expense out of Land Records so we pay for it out of that. Pichotta stated and that is the 2021 budget. Any other questions? **Aubart moved to approve the proposed 2021 Land Management Department Budget/Sanden seconded.** Chairperson Fetzer praised Andy for a nice job on the budget. **All in favor. Passed.**

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

Departmental Update and Future Agenda Items

Large solar energy facility and it will be held out at the Seyforth Building and it's going to be a little different than we are used to. Not only is it a conditional use, there is state statute language that says we need to do a

Findings, Facts, & Conclusion – so that’s a bit more involved than we typically do for CUP’s, so he is in the process of putting together a draft for your use and consideration.

Motion to adjourn at 7:30pm by Aubart/Gulbranson seconded. All in favor. Motion passed.
Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, August 5, 2020 – 6:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: August 19 th , September 2 nd & 16 th all in 2020.	Chair
3	Approve minutes of the July 1, 2020 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for Agritourism, pursuant to Pierce County Code Chapter 240-35B(1), for Dawn Stewart and Kerri Harting, owners on property located in Lot 3, Certified Survey Map (CSM) V8, P150, in the NE ¼ of the SW ¼ of Section 18, T27N, R19W, Town of Clifton, Pierce County, WI.	Adank
5	Discuss take action on a request for renewal of a conditional use permit for a Private Outdoor Recreation/Dual Sport Event, pursuant to Pierce County Code Chapter 240-39E, for Valley Springs Motorcycle Club Inc, by Scott Freier, agent on properties located in the Towns of El Paso, Hartland, Isabelle, Salem, Trenton, and Trimble, all in Pierce County, WI.	Lund
6	Discuss take action on Preliminary Plat Approval for Hidden Hills of the Kinni Phase 2, for Cory & Gena Huppert, owners, by Dan Kugel, agent, on property zoned General Rural Flexible 8, described as the NE ¼ of the SE ¼, the E ½ of the NE ¼, and the SW ¼ of the NE ¼ all in Section 9, T27N, R19W in the Town of Clifton, Pierce County, Wisconsin.	Lund
7	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the Industrial District, pursuant to Pierce County Code Chapter 240-37A, for William F. Holst III, owner on property located in the N ½ of the SE ¼ of Section 33, T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
8	Discuss take action on a request for renewal of a conditional use permit for a Heavy Industrial Use (Sand Processing Facility) located in an Industrial District for William F. Holst III, owner on property located in Sections 28, 33 and 34, all in T25N, R18W, Town of Trenton, Pierce County, WI.	Roy
9	Discuss take action on Proposed 2021 Land Management Department Budget.	Pichotta
10	Discuss take action on Travel/Training Requests.	Pichotta
11	Future agenda items.	Pichotta
12	Adjourn	Members

A quorum of County Board supervisors may be present.

(7/17/20)

- **Revised 7/27/20 @ 11:31am.**

PIERCE COUNTY WISCONSIN
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MINUTES - Pierce County Land Management Committee Meeting, July 1, 2020

Present: Jon Aubart, Neil Gulbranson, Jeff Holst, and Eric Sanden

Others: Andy Pichotta, Brad Roy, Emily Lund, Adam Adank and Shari Hartung

Excused: Joe Fetzer

Acting Chairperson Jeff Holst called the Pierce County Land Management Committee meeting to order at 6:00pm in the County Board Room, Ellsworth, Wisconsin.

Next meeting dates: July 15th, August 5th & 19th, all in 2020.

Chairperson Holst stated the next item is to elect a Temporary Chairperson: Aubart nominated Jeff Holst for Temporary Chairperson/Gulbranson seconded, Chairperson Holst asked for any other nominations. Aubart moved to close nominations and cast a unanimous ballot/Gulbranson seconded. All in favor. Motion carried.

Temporary Chairperson Holst stated the next agenda item is to elect a Committee Chairperson and opened the floor for nominations. Aubart nominated Joe Fetzer/Gulbranson seconded. Chairperson Holst asked for any other nominations. Aubart moved to close nominations and cast a unanimous ballot/Gulbranson seconded. All in favor. Passed.

Chairperson Holst opened the floor for nominations to elect a Committee Vice Chairperson. Gulbranson nominated Jeff Holst for Vice Chairperson/Sanden seconded. Chairperson Holst asked for any other nominations. Aubart moved to close nominations and cast a unanimous ballot/Sanden seconded. All in favor. Passed.

Approve Minutes: **Gulbranson moved to approve the February 19, 2020 Land Management Committee minutes/Sanden seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a map amendment (rezone) from General Rural Flexible 8 to Commercial District for Zeverino Investments LLC, David Zeverino, owner on property located in part of the NW ¼ of the NE ¼ of Section 1, T26N, R20W, Town of Oak Grove, Pierce County, WI.

Staff Report – Emily Lund: The applicants received a Conditional Use Permit from the LMC on 12/18/2019 for a Farm & Home Based Business for their Trucking Company on this parcel. The applicants are now proposing to rezone the 29.25 acre property from General Rural Flexible 8 to Commercial. The property is located in Section 1, Town of Oak Grove and is located on the South side of Highway 29 approximately 1.5 miles outside of Prescott. Current land use is agricultural. Adjacent land uses are agricultural and residential. The parcel is currently in the General Rural Flexible 8 zoning district. Adjacent zoning districts are General Rural Flexible 8 and Rural Residential 12. 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 Oak Grove recommended approval of this request on 5-18-2020. They stated, "See Town of Oak Grove Comp Plan, Revised 10/18/2012. Policies & Programs #9, Goal #2, Objectives 1 & 2 of Chapter 7, page 10 (Economic Development)." A copy is attached. The value of land for agricultural use according to the USDA Web Soil Survey says it has all areas of prime farmland.

Staff Recommendation: Given that the Oak Grove Town Board has determined that this proposed map amendment (rezone) of 29.25 acres from General Rural Flexible 8 to Commercial is consistent with their Comprehensive Plan, staff recommends that the LMC approve this map amendment (rezone) and forward a recommendation to the County Board of Supervisors.

Chairperson Holst opened the hearing to the public. Pichotta stated we sent out a letter with the public notice, encouraging folks to contact staff and we did not hear anything. We did not get one call with questions. Sanden stated as he recalled the original there wasn't anyone that spoke negatively about it. He thinks there was someone here that supported it. Pichotta stated there was a neighbor who was supportive but was just curious.

Chairperson Holst closed the hearing to the public.

Sanden moved to approve the request for a map amendment (rezone) from General Rural Flexible 8 to Commercial, noting the consistency with the Town of Oak Grove's Comprehensive Plan and forward a recommendation to the County Board of Supervisors/Gulbranson seconded. All in favor. Passed.

Discuss take action on a request for modification of a conditional use permit for a Retreat Center (Wedding Barn) in the Primary Agriculture District for Mellissa Deyo and Donald Dufek, owners on property located in the SE ¼ of the SE ¼ of Section 33, T27N, R17W, Town of Martell, Pierce County, WI.

Staff Report – Emily Lund: The applicants received a CUP from the LMC in May 2012 to utilize the barn as a retreat center for country-style weddings and receptions. The applicants received site plan approval from the LMC in December 2016 for the dining hall to be moved into a new accessory structure. This year the applicant's business has been greatly impacted by the COVID-19 Coronavirus Pandemic. With limits to public gatherings, social distancing requirements, and other restrictions, they had to cancel many weddings and receptions. The existing CUP limits the guest count to 150 people. In order to comply with the new Public Health Department requirements, the applicants are proposing to modify the CUP by offering these three options to clients:

1. Big Wedding. 150 people max. Only one event per day. Everything in her existing permit. (This would be an option when the world is safer without a virus and associated restrictions).
2. Mini-Wedding. 30 people max. 4-hour time limit. Meal allowed. 3 celebratory dances allowed (bride/groom, bride/dad, groom/mom). No live music or entertainment allowed.
3. Micro-Wedding. 15 people max. 2.5-hour time limit. Wedding cake allowed, but no meal allowed. 3 celebratory dances allowed (bride/groom, bride/dad, groom/mom). No live music or entertainment allowed.

They are proposing to have up to (3) Micro- or Mini- weddings per day OR (1) Big Wedding per day. However, they are not asking for (3) mini/micro plus (1) big wedding on the same day. The property is in Section 33, Town of Martell and is in the Primary Ag zoning district. The address is W6124 Cty Rd N and is located on 40 acres. The existing conditions are listed in the staff report #1 - #12. Following discussion with Legal Counsel, staff is also recommending the modification of condition #2. This condition, in essence, requires the Land Management Department and Committee to enforce local and/or state ordinances and regulations that they have no control over. With that condition in place, an applicants' failure to comply with, or dispute about the administration of another agency's ordinance or licensing requirements could require the LMC to revoke their CUP. All local or state ordinances contain penalty provisions relating to noncompliance with that ordinance or rule. Given this, it is not necessary for the LMC to tie CUP's to compliance with other agencies rules and regulations. Removal of this condition would not excuse an applicant from the need to obtain all necessary permits and approvals; it simply removes the Land Management Committee from enforcing them.

Staff Recommendation: Staff recommends the LMC consider whether the proposed modifications would impact the previous finding that the proposed use in the proposed location would not be contrary to the public interest, nor detrimental or injurious to public health, safety or character of the surrounding area. If the proposal does not impact the previous findings, staff recommends the LMC approve the proposed modifications with the following conditions (proposed additions are in **bold**, proposed deletions are ~~struck through~~):

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 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. DSPS, Dept of Public Health, etc.)~~
3. **Wedding and reception options for wedding clients:**
 - a. **“Big Wedding.” 150 people max. 1 Big Wedding per day. No additional events allowed that day.**
 - b. **“Mini-Wedding.” 30 people max. 4-hour time limit. Meal allowed. 3 celebratory dances allowed. No live music or entertainment allowed.**
 - c. **“Micro-Wedding.” 15 people max. 2.5 hour time limit. Wedding cake allowed. No meal allowed. 3 celebratory dances allowed. No live music or entertainment allowed.**
4. Maximum occupancy shall be limited to 150 people, **up to (3) Micro- or Mini- weddings per day or (1) Big Wedding per day, events held on Friday, Saturday, and Sunday.** ~~3 events per week, 1 event per day on Friday, Saturday, and Sunday.~~
5. The maximum capacity of 150 persons will require 50 available parking spaces, with a minimum of one space for handicapped parking.
6. Advertising signs shall comply with the zoning code standards and signs shall be located outside of road right-of-way and out of the vision clearance triangle.
7. ~~Applicants shall work with Todd Dolan, Martell Building Inspector, to secure final approval from DSPS prior to holding an events.~~
8. Applicants shall ~~establish~~ **maintain** a vegetative screen, consisting of no less than five spruce trees, 9 – 12 feet tall, between the parking lot and County Road N ~~within 12 months.~~
9. ~~A status report shall be made to the Land Management Committee in one year.~~
10. This conditional use permit shall be renewed every 2 years. Permit may be renewed administratively if no compliance issues arise.
11. Closing time to be 11 PM.
12. No parking on Town or County Roads.
13. No fireworks allowed.

Sanden stated he is assuming we haven't heard any complaints. Gulbranson asked, didn't we start adding public health to some of the recommendations, now we are taking them back out again? Pichotta stated basically, what we don't want to do, this has come to pass due to town licensing ordinances especially relating to things such as blasting or relating to nonmetallic mining. A town can be somewhat arbitrary or capricious in their application of their ordinances. In a discussion with Brad Lawrence about this, he acknowledged in a defacto sort of a way, we are actually enforcing other folks' ordinances. In some cases that may appear to be a desirable thing but in a lot of cases it's not because it puts us in the position of if there is a disagreement with another agency over administration we would be obligated to pull the permit. Gulbranson said he understands that but he was wondering about another County agency. Pichotta stated what we have been doing is, in the last bullet point of an issue pertaining to the request, instead of that condition that they shall comply, state at that point the applicant should be aware of the need for other permits or licenses. Then it ends up not being a condition because we try to make them aware of the need to comply. Holst stated he has been out there for a couple weddings and they run a nice operation. They have a couple buildings out there he would have bulldozed. They have turned them into something that is really cool. They are good people, they do what they say and they do a good job. Aubart stated to the same point, condition #12 that says no parking on Town or County Roads, how is that enforceable by the applicant? To him, that clearly is a traffic issue. They can tell somebody to move and the say "no we are not" and it's not even on their property. Pichotta stated we can certainly strike that one, your point is valid. In all likelihood, that was one of the conditions that were requested by the town. Aubart stated they can enforce that if they so want. Pichotta stated they have the ability to enforce that and if they don't want people to park there they can put up signs. Roy stated not all of them would have a site plan, but if we put a

condition like that, then they are forced to come up with a parking area. We have had people with no parking area plans and they will state “my business will just use the road.” You can but we should have a plan for that. Aubart asked if we can ask them for the plan but we still can’t enforce the no parking. Pichotta stated as we move forward, as we bring CUP’s before you guys our conditions will have a little more thought put into them as to our actual ability to enforce them. If we can’t enforce them it makes no sense to put them in. **Gulbranson moved to approve the modification of the conditional use permit for a Retreat Center (Wedding Barn) for Mellissa Deyo and Donald Dufek, with recommended changes to the conditions and striking condition #12/Sanden seconded. All in favor. Passed.**

Discuss take action on a request for renewal of a conditional use permit for CMC-Spring Valley LLC (County Materials) owner on property located in the SE ¼ of the SE ¼ of Section 9 and the NW ¼ of the SE ¼ and the NE ¼ of the NE ¼ of Section 16, all in T26N, R15W, Town of Spring Lake, Pierce County, WI. Staff Report – Adam Adank: County Materials obtained a Conditional Use Permit for Nonmetallic Mining in April 2007. Mining operations began in 2008. The Conditional Use Permit covers approximately 200 acres; County Materials intends to mine approximately 130 of those acres. The original application presented a plan in which the entire operation would be conducted below grade within the extraction area. Currently, the primary crusher is located in the lowest level of the quarry with the secondary crusher and lime plant in the mid-level of the quarry. The wash plant and other operational structures are located above the quarry. The original application allowed no more than 30 unreclaimed acres at any given time. In April, 2012, that was increased to 40. In June, 2018, that was increased to 50. The applicant has indicated that they may need to increase the amount of allowable unreclaimed acres again or have some of the reclaimed acreage certified as completed by the next scheduled renewal in 2022. The property is located in the Town of Spring Lake and is zoned General Rural. The original operation plan states that excavation would create a floor elevation of 1050’, where all activity would be conducted. The average current floor elevation is 1100’ and the processing area has an approximate elevation of 1160’. County Materials has begun to lower the floor to 1060’. The floor of the expansion area will be no lower than 1040’. In 2018, staff asked the applicant how many open acres are needed before the entire operation can be moved to the quarry floor and if this proposed increase would enable the move. The applicant responded that “It is not feasible to move the entire operation into the lower elevations of the floor under current market conditions. It would be detrimental on sales/profitability to move the wash plant and stockpiles into the lower level of the quarry due to multiple operational concerns. Both the primary crusher and secondary crusher are located in the lower and mid-levels of the quarry. We do plan to move the lime plant along with the secondary crusher into the lowest floor level within the next five years, if the current market conditions continue to exist. In the next ten years we could evaluate the entire process to see if it would be feasible to move more of the operation into the lower levels of the quarry. The applicant stated that the reclamation in the North/West part of the quarry to the haul road has been seeded and the establishment of vegetation has started. The reclamation activities have now been moved to the quarry floor against the east wall. A surety bond increase rider was submitted to the Land Management Department since the last modification in June 2018. The bond rider covers a total of 50 unreclaimed acres. The operation received numerous complaints when it began about noise, dust, and appearance. Staff has not received any complaints since the last renewal. Staff spoke with Town of Spring Lake Chairperson, Richard Johnson, regarding the renewal of this conditional use permit. Mr. Johnson stated that the town has not had any complaints regarding the mine since the last renewal and has no additional comments or concerns. The existing conditions are listed in the staff report #1 - #29.

Staff Recommendation: Staff recommends the Land Management Committee consider whether any other additions or modifications to the established conditions are necessary to mitigate any impact on the public health, safety, the public interest and character of the area and 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 all relevant departments and agencies.

2. Hours of operation shall be 6am to 6pm with nonproduction hours 6pm to 8pm, Monday through Friday and 8am to noon on Saturday. Operation shall be closed on 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 unless extenuating circumstances occur at which time a Town official shall be notified prior to any blasting.
4. Storm water measures shall be implemented and maintained consistent with Land Conservation Department recommendations.
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 consistent with submitted plans.
8. Applicant shall determine if the reclamation plan needs updating and shall submit an updated financial assurance bond based on increased acreage.
9. Mine operation and design shall be consistent with the approved plans. Zoning Office shall be notified of any deviation from the plans.
10. Zoning Office shall be notified if groundwater is encountered.
11. All structures and signage shall be permitted by the Zoning Office.
12. An elevation benchmark shall be established.
13. The reclamation financial assurance information shall be reviewed and approved by Corporation Counsel before mining commences.
14. Applicant shall comply with NR 135 Annual Reclamation Permits.
15. 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.
16. 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 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.
17. A copy of the Storm Water Pollution Prevention Plan and Spill Prevention Control and Countermeasures shall be submitted to the Zoning Office.
18. The recycling of concrete products shall be allowed.
19. This CUP shall be reviewed for renewal in two years unless compliance issues arise.
20. 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.
21. All loaded trucks shall be covered (tarped) prior to leaving the site.
22. The quarry shall have no more than 50 unreclaimed acres at any given time. The storm water pond and processing area are to be included in the unreclaimed acres.
23. Applicant shall conduct decibel readings during mining operations at; the property line, 1320 ft from the property line, and at 1 ½ 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.
24. A four-strand barb-wire fence shall be placed around the active mining operation along with appropriate signage.
25. A lockbox with access key shall be made accessible to emergency personnel.
26. Applicant shall provide a status report to the LMC at the request of the Town of Spring Lake.
27. Stockpiles shall be a minimum of 10 feet below the height of the berm at all times.
28. The fugitive Dust Plan shall be implemented as approved.
29. Applicant is allowed to water anytime necessary to mitigate off-site dust impact.

Chairperson Holst asked if they ever got it all fenced in? Roy stated he doesn't think the perimeter is but there is a fence along the highway.

Aubart moved to approve the renewal of the conditional use permit for CMC-Spring Valley LLC (County Materials) with conditions #1 - #29/Sanden stated his only hesitation is that it's taken a long time to get within compliance as far as that below grade but he will second. Holst stated crushing operations; they are making it down there and going at a pretty good rate in the rock world. Ultimately, in the next decade their intention is to get to where they want to be so they are making steps forward. Sanden seconded. All in favor. Passed.

Discuss take action on a request for modification of a conditional use permit for Expansion of a Nonconforming Structure for Michael Dorricott, owner on property located on Lot 2, Marissa's Addition, in the NW ¼ of the NW ¼ of Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI. Staff Report – Adam Adank: In 1995 a former property owner obtained a Land Use Permit (LUP) for a 14' x 70' mobile home and a 26' x 30' garage. When the garage was constructed it encroached on the 10' rear yard property line setback. The applicant was able to estimate a property line boundary by running line from two apparent property markers. Based on these markers, the existing garage is approximately 4ft from the rear yard property line. Lot line markers were verified by the adjoining property owner while Land Management staff was onsite. The applicant was originally approved to construct a 2 to 3-bedroom dwelling addition off the west side of the existing garage. The original plans consisted of a 26ft x 30ft, two-story house, with a 14ft x 30ft room located in the roof truss design. A smaller 16ft x 16ft one story addition was also proposed to be added to the west side of the 26ft x 30ft two-story house. The applicant has requested to modify his plans because of certain building code requirements. The applicant is now requesting to construct a 30ft x 32ft, two-story house that is attached to the garage by a 7ft long breezeway. A future room is still proposed to be located in the roof truss design and a smaller one-story room is still proposed off the west side of the proposed house but it would be 20ft x 20ft instead of 16ft x 16ft like originally proposed. The applicant has determined that the new construction will be setback at least 3ft 8in from the rear yard property line. The location of the existing mobile home in relation to the rear yard property line and existing garage restrict the applicant's area to build. The applicant intends to live in the mobile home during construction of the proposed dwelling. The property is located in the Town of Diamond Bluff and is zoned Rural Residential 20. Adjacent property is zoned Rural Residential 20 and Agriculture Residential. Pierce County Code (PCC) §240-67A(2) states, "Additions to or extensions of nonconforming structures are permitted, provided that such additions or extensions comply with all the provisions of this chapter or a conditional use permit is granted as provided in §240-76." PCC 240-76A states, "Applicability. A conditional use permit shall be required for the establishment of each use permitted as a conditional use and for an addition to or expansion of a nonconforming structure, or expansion or intensification of a nonconforming use." PCC §240-23 states, "Minimum requirements. Developments shall meet the minimum requirements for the applicable district shown in the Table of Dimensional Requirements." PCC §240-42E states, "An existing dwelling or manufactured home may be used as a temporary residence during construction of a new dwelling on the same parcel, subject to the following: #1 - #5, listed in the staff report. A sanitary permit was obtained in 1995 for a three-bedroom Private On-site Wastewater Treatment System (POWTS). The existing well is located under the front part of the existing trailer over 14ft from the proposed addition and the septic system is located south of the existing trailer. Both meet the required setbacks from the proposed addition. The proposed expansion area is currently used as open yard space and should not negatively impact the functionality of the site. The nearest dwelling is located approximately 125 feet to the west of the proposed expansion. The Town of Diamond Bluff recommended approval of the original request on 7-12-2018. The Town did not reference its Comprehensive Plan. The Town does not have any concerns about the proposed modification.

Staff Recommendation: Staff recommends the LMC consider whether the proposed modifications would impact the previous finding that the proposed use in the proposed location would not be contrary to the public interest, nor detrimental or injurious to public health, safety or character of the surrounding area. If the proposal

does not impact the previous finding, staff recommends the LMC approve the proposed modifications with the following conditions:

1. Activities shall be conducted as proposed in the application and as presented to the LMC unless modified by another condition of this permit.
2. The applicant shall maintain a rear yard property line setback of 3ft 8in or as established by the Land Management Committee of _____ feet. Lot line shall be verified by a registered land surveyor or as agreed upon by the adjacent property owner.
3. A Sanitary Reconnect Permit shall be obtained prior to any construction.
4. The applicants shall follow Pierce County Solid Waste Code Ch 201 and Wisconsin Administrative Code NR 447 for disposal of used and unusable building materials.
5. The applicant shall follow PCC §240-42E. Temporary dwelling during construction of principal dwelling and secure all necessary permits.
6. The proposed expansion shall be completed within 12 months of CUP approval.
7. Applicant shall contact the Town Building Inspector, All Croix Inspections, to determine if a building permit is required.

Gulbranson asked is 3ft 8in is including the overhang also. Roy stated the first two feet of overhang don't count. Adank stated there is an email from the neighbor to the north and he didn't have any concerns. It looks like Mike told him his real overhang would be about a foot and a half from the lot line. Roy stated then the applicant did say he was going with a one foot overhang on the back side just cause of its proximity to the lot line. Sanden asked what if a land surveyor goes out there finds that they are off by a foot or two. What if it's even closer. Roy stated then we would have a civil lot line issue. We are dealing with a nonconforming structure as is, a little more, a little less in this case.... Sanden stated you don't see that as an issue in this case. Roy stated when the two neighbors are in agreement that they are OK, making someone hire a surveyor might be a bit much. Sanden asked isn't that what condition #2 is requesting? Holst stated "or as agreed upon by the two property owners". Adank stated there has been a CSM done to the north on that lot line. They ran a string or however they came about it. A surveyor would probably be able to just put an additional stake in there. Aubart stated he obtained a permit for a temporary mobile home in 1995, at what point does that not become temporary? Pichotta stated it's now only temporary while he is constructing a new dwelling. Technically right now, it is his principal dwelling. It's one of these cases where say you live in a trailer house and you want to build a stick built house, we do allow you to have both there initially. Once you are done with the stick built, the mobile home has to go. Holst stated the Town looked at this addition, most of the people that come into this addition started with trailer houses and there are quite a few stick built houses in that addition now. So it was a stepping stone for people to acquire a permanent home. Sanden asked if this is in the floodplain? Holst stated no. It's probably about 70ft about the Mississippi River. **Sanden moved to approve the modification of the conditional use permit for expansion of a nonconforming structure with conditions #1 - #7, striking the second sentence of condition #2 and leaving the setback at 3ft 8in/Gulbranson seconded. 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, pursuant to Pierce County Code Chapter 240-37A and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Wieser Real Estate Partnership Limited Partnership and DAM Investments LLC, owners on property located in Sections 3, 4, 9, & 10, all in T25N, R16W, Town of Salem, Pierce County, WI. Agenda item #12 was read and discussed before agenda #11. Staff Report – Brad Roy: This request is for three nonmetallic mines (mines #1, #2 and #4) on the Wieser property; mine #3 has been permanently reclaimed. In the past, the mining product was primarily used in the production of concrete products. Volumes of material were dependent on the market needs. In 2014, the material in mine #4 was identified as industrial frac sand and the use of the mine increased. Due to the market conditions the frac sand operator (Total Excavating) has closed operations in mine #4 and has begun to reclaim portions of the mine. Extraction of materials for Wieser Concrete is continuing in mine #4. The applicant has been in discussions with the Town of Salem regarding the use of Town roads. There have been

plans to construct private access to Hwy 10 which includes a bridge over the Rush River. No formal actions with the Land Management Department have taken place. The property is zoned General Rural and Primary Agriculture. Mining operations are located primarily in Primary Agriculture zones. Mine #1 on the hilltop is located in Sections 9 & 10 and is the limestone source. The operation plan identifies normal workdays are Monday through Friday, 7am to 6pm and in rare cases material may be needed at other times due to project requirements or emergencies and may operate 24 hours per day. Blasting operations are from 8am to 5pm, several days per year. After blasting, the limestone is crushed and transported to the bottom quarry via conveyor for washing and stockpiling. There are 13 open acres. Mine #2 is behind the pre-cast plant and is mined for sand and gravel. Material is removed through the use of a frontend loader or backhoe and dump trucks. The operation plan identifies normal workdays are Monday through Friday, 6am to 8pm and in rare cases material may be needed at other times due to project requirements or emergencies and may operate 24 hours per day. There are 8 open acres. Mine #4 operations consist of mining as well as washing and load out of the sand and gravel from all the mines. Equipment used for the mining is frontend loaders, screener, excavator, and dump trucks. Materials from this site are sand and rock. Currently there are stockpiles of sand and rock and averages 10-30 loads per week. There are 34 open acres. Typical hours of operation range from 6am to 6pm. The 34 open acres are in the process of reclamation. The sloping has been done on a large amount of it. There has been some seed put down but can't close it out until vegetation is established. Staff contacted the Chairperson of the Town of Salem about his renewal. The Town does not have any concerns regarding the renewal of this permit. A review fee calculation is \$200 plus \$20/acre, which totals $\$200 + (\$20/\text{ac} \times 55 \text{ ac}) = \1300 . Staff has not received any complaints about the mining operation. Following discussion with Legal Counsel, staff is also recommending the elimination of Conditions #2 and #3 for the same issues that have been discussed on previous agenda items and condition #13 has been completed. The existing conditions are listed in the staff report #1 - #18.

Staff Recommendations: Staff recommends the Land Management Committee consider whether established conditions are adequate to protect the public interest, public health, and safety, and the character of the area. If no additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions: Eliminating the ones discussed and now #1 will now read Renewal fee in the amount of \$1300 shall be submitted to the Land Management Department and #12 should read, Road agreements shall be secured from appropriate municipalities for hauling industrial sand.

1. Renewal fee in the amount of \$1,300 shall be submitted to the Land Management Department.
2. A 100-ft setback shall be maintained from all property lines for all mining activities.
3. The applicant shall notify the Zoning Office if groundwater is encountered.
4. Blasting shall be conducted by a state licensed blaster.
5. Blasting shall take place between the hours of 8am and 5pm.
6. Reclamation shall be completed consistent with the submitted plans.
7. 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.
8. Any unforeseen erosion issues shall be addressed to the satisfaction of the County.
9. Applicant shall comply with PCC Chapter 241 Nonmetallic Mining Reclamation.
10. Reclamation financial assurance information shall be reviewed and approved by Corporation Counsel and kept current.
11. The conditional use permit shall expire in 2 years.
12. Road agreements shall be secured from appropriate municipalities for hauling industrial sand.
13. A Fugitive Dust Plan shall be developed and implemented.
14. Operations may not begin prior to 6am from December to April.
15. A Traffic Impact Analysis be completed for any potential access points onto Hwy 10.

Aubart moved to approve the renewal of the conditional use permit for Nonmetallic Mining for Wieser Real Estate Partnership Limited Partnership and DAM Investments LLC with conditions #1 - #15 as amended/Sanden seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for a Nonmetallic Mining Operation in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, for Rumpca Excavating Inc, agent for John C. Rohl Jr, John C & Alva-Jeanne Rohl and Mackenze Rohl, owners on property located in the NW ¼ of the SW ¼ of Section 28, T27N, R19W, Town of Clifton, Pierce County, WI. Staff Report – Brad Roy: Nonmetallic mining had previously been permitted on this parcel. However, the conditional use permit expired and the use ceased for more than 12 months in 2008. In 2015, staff became aware that mining had again begun on the site and notified the applicant that a new conditional use permit was required. At that point mining activity was halted and the applicant began the process of applying for a new conditional use permit. The property is subject to a conservation easement with the Kinnickinnic River Land Trust (KRLT). The easement required the mine to be reclaimed by 2010. The applicant and the KRLT have come to an agreement to allow mining for a limited term and then have the site reclaimed. Rumpca Excavating operates a mine on the neighboring property. A policy exception to the 100' mining setbacks was granted and a road connecting the two mines was constructed. Rumpca Excavating anticipates one more year of mining and then beginning reclamation of the site. The mining site has approximately five unreclaimed acres. Access to the mine is off of County Road MM. The extraction area will be expanded to allow for better reclaimed slopes. The site is relatively flat with little relief of approximately 25 feet. There is no blasting or use of chemicals on the site. Washing and processing of the material does occur on the adjacent Rumpca property. The operation is most active in the summer months. Typical summer hours of operation will be 7am to 7pm, Monday through Friday, and 7am to 4:30pm on Saturday. The Reclamation Plan states that the post mining land use will be pasture land. The applicants have been working with the Land Conservation Department basically for a whole reclamation design to improve runoff through the reclaimed mining area and farm. Staff contacted the Town of Clifton Chairperson regarding this renewal and the Town has no concerns about renewing the permit. Staff has received concerns from a property owner west of the site off of County Road MM regarding the amount of trucks traveling on the road. The Pierce County Highway Commissioner has also inquired about the operation due to road damage. The Commissioner is examining the situation. Staff has proposed a new condition requiring a road agreement with the Pierce County Highway Department. Rumpca Excavating does not have any concerns about the new proposed condition. The existing conditions are listed #1 - #10 in the staff report.

Staff Recommendation: Staff recommends the Land Management Committee consider whether established conditions are adequate to protect the public interest, public health and safety, and the character of the area. If no other additions or modifications are deemed necessary, staff recommends this CUP be renewed with the following conditions:

1. A 100-ft setback shall be maintained from all property lines for all mining activities, unless granted an exemption by the LMC.
2. Applicant shall comply with all requirements of Pierce County Code Chapter 241, Nonmetallic Mining Reclamation.
3. Applicant shall follow all recommendations and receive all necessary permits from WI DNR, Department of Safety and Professional Services, MSHA and other agencies if required.
4. Applicant shall submit to the Zoning Office a copy of the Storm Water Pollution Prevention Plan and a Spill Prevention, Control and Countermeasures Plan if these plans are required by other agencies.
5. A Fugitive Dust Plan shall be developed and implemented for the mining site and haul roads.
6. Hours of operation shall be 7am to 7pm, Monday through Friday, and 7am to 4:30pm on Saturday.
7. Final reclaimed contours for the Reclamation Plan shall be submitted to the Zoning Office.
8. Applicant agrees that any unforeseen erosion issues shall be addressed to the satisfaction of the county.
9. This CUP renewal shall expire in two years.
10. Any expansion or intensification shall require a new conditional use permit.
11. **The applicant shall enter into a road agreement with the Pierce County Highway Department if deemed necessary by the Highway Commissioner.**

After review staff is recommending the removal of condition #3 due to other agencies enforcement. Sanden asked about the complaint from the neighbor, is that a relatively recent phenomenon? Roy stated about a year

ago. The complaint was the amount of trucks. We have explained that mining is all about the market demand and some days will be busy and some won't. We don't have the ability to tell them to not use a road. Sanden stated this might be a short lived enterprise anyways. Sounds like they are getting close to wrapping it up, did he hear that correctly? Roy stated they will be ending on the Rohl site. Rumpca operates a mine directly west. Rumpca Excavating and the mining isn't going anywhere, they just aren't going to be mining on the Rohl property. They will go back to mining their property. We do have another permit on the Rumpca mine. We have the ability to address any concerns with that operation. **Sanden moved to approve the renewal of the conditional use permit for a Nonmetallic Mining Operation for Rumpca Excavating Inc, agent for John C. Rohl Jr, John C & Alva-Jeanne Rohl and Mackenze Rohl, owners, with conditions #1 - #11, striking condition #3/Aubart seconded. All in favor. Passed.**

Discuss take action on Travel/Training Requests. Pichotta stated he has no travel/training requests at this time. We probably won't have any for a while.

Departmental Update and Future Agenda Items

Possible CUP for Kerri Harting and Dawn Stewart for AgriTourism in the Town of Clifton.

Preliminary Plat, Phase Two for Hidden Hills of the Kinne for Cory & Gena Huppert, Town of Clifton.

CUP Renewals for Heavy Industrial Use (Sand Processing Facility) and Nonmetallic Mining for Bill Holst in the Town of Trenton.

CUP Renewal for Valley Springs Dual Sports Event in multiple townships.

Proposed 2021 Land Management Department Budget.

As far as future meetings go, staff is thinking the first meeting of each month should be like this, items that are very clean and not require applicants to be present and we will hopefully get the majority of our work done that way. The second meeting in the month would again be on the third Wednesday of each month. That would be if there was a need for a public hearing that was going to be something that would attract a bunch of folks and we would likely be holding it in a different room than this and utilizing other measures. So that is what our thought is as far as an approach in the short-term. Of course, we have Ranger Power Solar proposal hanging out there. It is our sense that it is probably going to happen sometime in the month of August. Brad has been trying to figure out the logistics of that. At this point, we are thinking that the Seyforth Building might work for us. Even with social distancing, we could accommodate about 100 people in there. That should be adequate. That is one of the things he wanted to get a sense of from the committee. Rather than have it like you had it last night, where you had a meeting in EOC with the public in the old EOC... We would eliminate the technology side of things, however you would be in a room with a lot of other folks. As you know, when it comes to these sorts of things, folks want to be heard and they want to feel that they have been heard. If they were all doing comments in a different room and you were watching them on a TV and they didn't like the outcome, he can see how they might challenge that particular part of how we handled it. He is open to suggestions on how we handle it. Holst asked after last night, do we want to have anything at the fairgrounds? He thinks it might be more problematic to have things on the fairgrounds than it's worth. Perhaps we should seek a different venue. Roy asked if they would want to be in one room or do you want to do the separate room setup. Holst stated for CUP's, for something that is relatively controversial, he thinks we are better to be in one room because Joe can do a better job of controlling it.

Motion to adjourn at 7:01pm by Gulbranson/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, July 1, 2020 – 6:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates: July 15 th , August 5 th & 19 th , all in 2020.	Chair
3	Elect Temporary Chairperson	Acting Chair
4	Elect Committee Chairperson	Acting Chair
5	Elect Committee Vice-Chairperson	Chair
6	Approve minutes of the February 19, 2020 Land Management Committee meeting.	Chair
7	Public hearing to consider and take action on a request for a map amendment (rezone) from General Rural Flexible 8 to Commercial District for Zeverino Investments LLC, David Zeverino, owner on property located in part of the NW ¼ of the NE ¼ of Section 1, T26N, R20W, Town of Oak Grove, Pierce County, WI.	Lund
8	Discuss take action on a request for modification of a conditional use permit for a Retreat Center (Wedding Barn) in the Primary Agriculture District for Melissa Deyo and Donald Dufek, owners, on property located in the SE ¼ of the SE ¼ of Section 33, T27N, R17W, Town of Martell, Pierce County, WI.	Lund
9	Discuss take action on a request for renewal of a conditional use permit for CMC-Spring Valley LLC (County Materials) owner on property 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.	Adank
10	Discuss take action on a request for modification of a conditional use permit for Expansion of a Nonconforming Structure for Michael Dorricott, owner on property located on Lot 2, Marissa's Addition, in the NW ¼ of the NW ¼ of Section 19, T25N, R18W, Town of Diamond Bluff, Pierce County, WI.	Adank
11	Discuss take action on a request for renewal of a conditional use permit for a Nonmetallic Mining Operation in the Primary Agriculture District, pursuant to Pierce County Code Chapter 240-37A, for Rumpca Excavating Inc, agent for John C. Rohl Jr, John C. & Alva-Jeanne Rohl and Mackenze Rohl, owners on property located in the NW ¼ of the SW ¼ of Section 28, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
12	Discuss take action on a request for renewal of a conditional use permit for Nonmetallic Mining in the General Rural District, pursuant to Pierce County Code Chapter 240-37A and Reclamation Plan hearing, pursuant to Pierce County Code Chapter 241-15A(2)(a), for Wieser Real Estate Partnership Limited Partnership and DAM Investments LLC, owners on property located in Sections 3, 4, 9 & 10, all in T25N, R16W, Town of Salem, Pierce County, WI.	Roy

13	Discuss take action on Travel/Training Requests.	Pichotta
14	Future agenda items.	Pichotta
15	Adjourn	Members
Questions regarding this agenda may be made to the Department of Land Management at 715-273-6746.		
Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities requiring special accommodations for attendance at the meeting. For additional information or to make a request, contact the Administrative Coordinator at 715-273-6851.		

A quorum of County Board supervisors may be present.

(6/19/20)

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, March 4, 2020 – 6:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates March 18 th , April 1 st & 15 th , all in 2020.	Chair
3	Approve minutes of the February 19, 2020 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal of a conditional use permit for a Nonmetallic Mining Operation in the General Rural Flexible 8, Agriculture Residential and Industrial Districts, pursuant to Pierce County Code Chapter 240-37A for William F. Holst III and Jeff Holst, agents for William McCusker & Angela M. Matthews, MOAP LLC, Troll King LLC, WTW Properties, Helen Holst Revocable Living Trust, Wisconsin Industrial Sand Company and William F. Holst III, owners on property located in Sections 1, 2, 3, 4, 10, 11 and 12, all in T25N, R19W, Town of Diamond Bluff and agent for Big Acres Inc, William F. Holst III, Nancy J. Beeler and Leon W. & Donna L. Nesbitt, owners on property located in Sections 25, 33, 34, 35 and 36, all in T26N, R19W, Town of Oak Grove, Pierce County, WI.	Roy
5	Discuss take action on Travel/Training Requests.	Pichotta
6	Future agenda items.	Pichotta
7	Adjourn	Members
Questions regarding this agenda may be made to the Department of Land Management at 715-273-6746.		
Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities requiring special accommodations for attendance at the meeting. For additional information or to make a request, contact the Administrative Coordinator at 715-273-6851.		

A quorum of County Board supervisors may be present.

(2/21/20)

- **Land Management Committee Meeting Canceled 2/26/20 @ 2:34pm.**

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, February 19, 2020

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

Others: Andy Pichotta and Shari Hartung

Chairperson Joe Fetzer called the Pierce County Land Management Committee meeting to order at 6:00pm in the County Board Room, Ellsworth, Wisconsin.

Next meeting dates: March 4th & 18th, April 1st & 15th, all in 2020.

Approve Minutes: **Gulbranson moved to approve the February 5, 2020 Land Management Committee minutes/Sanden seconded. All in favor. Passed with Joe Fetzer abstaining because of absence at the last meeting.**

Discuss take action on a request for renewal of a conditional use permit for Belle Vinez Winery, a conditionally permitted use, in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-76A, for Shannon and Angel Zimmerman, owners on property located in the SW ¼ of the NW ¼ of Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.

Staff Report – The applicant received a Conditional Use Permit (CUP) to establish the “Belle Vinez” winery with incidental food service in August of 2013. The applicants also reside on the 20 acre parcel. The Land Management Committee approved an expansion in 2016 to allow year-round operation and a Food and Wine Plan, detailing how the food operations will be incidental and subordinate to winery operations, in 2014. The operation opened to the public in May, 2015. The commercial structure includes a tasting room, kitchen, dining area, restrooms and offices/conference rooms. Last year Condition #10 was modified to allow for extended hours for special events. The property is located in Section 3, Town of Clifton and is zoned General Rural Flexible 8. The tasting room is permitted to be open seven days a week. The hours of operation are 11am to 9pm. Hours for special events are 11am to 11pm with lights out by 12am. Off-sale wine and other various crafts are sold in this area. Only appetizers are served in the tasting room. Customers of the tasting room are able to use the plaza and lounge for seating. The pizza service is open Thursday through Sunday with hours of operation being 11am to 9pm with lights out by 10pm. (The wording for this condition has been discussed at previous meetings and it was concluded that service for the customers would stop at 9pm and customers would leave the premises by 10pm). The lounge has a 120 person seating capacity for food service. Limited seating can be moved to the plaza depending on the weather. Food items will only be available to those at the dining tables. Patrons of the winery who are on the plaza would not be served food, unless seated at a table.

Reservations are required for dining with the ability to serve customers who do not have reservations as long as they have seating and parking space available. The reservation system is a means to eliminate the potential for large crowds waiting onsite for available seating. No parking is allowed on 875th Ave and signs are posted in the parking lot about the need for reservations and the no street parking requirement. A sound system plays light music and all speakers are placed within structures. Staff contacted the Town of Clifton Chairperson, LeRoy Peterson, regarding this renewal. He had no concerns about renewing the permit. Staff is recommending to allow this permit to be renewed administratively in the future. There have been no issues of compliance since the operation began and staff has not received any complaints since the last renewal. The existing conditions #1 - #21 are listed in the staff report. Following discussion with Legal Counsel, staff is recommending the removal of Conditions #5 and #6. This condition, in essence, requires the Land Management Department and Committee

to enforce local and/or state ordinances and regulations that they have no control over. With that condition in place, an applicants' failure to comply with, or dispute about the administration of, another agency's ordinance or licensing requirements could require the LMC to revoke their CUP. All local or state ordinances contain penalty provisions relating to noncompliance with that ordinance or rule. Given this, it is not necessary for the LMC to tie CUPs to compliance with other agencies rules and regulations. Removal of this condition would not excuse an applicant from the need to obtain all necessary permits and approvals; it simply removes the Land Management Committee from enforcing them.

Staff Recommendation: Staff recommends the Land Management Committee consider whether any additions or modifications to the established conditions are necessary to mitigate impacts to neighboring properties. If no additions or modifications are necessary, staff recommends the LMC renew this permit with the following conditions:

1. Activities shall be conducted consistent with the application unless modified by another condition of this approval.
2. Applicant shall obtain all necessary permits for any future structures or signs not presented in this plan from the Zoning Office.
3. The winery shall produce "wine" as defined by State of Wisconsin.
4. Applicant shall develop and implement a Waste Stream Management Plan which is compliant with DNR and DSPS regulations.
5. The parking lot shall have at least 71 parking spaces. There shall be no on-street parking.
6. Seating capacity for the pavilion and plaza shall not exceed 120.
7. Applicant shall install signs detailing the need for reservations and no parking on the street.
8. Hours of operation shall be 11am to 9pm. Hours of operation for special events shall be 11am to 11pm with lights out at 12am.
9. Full menu food service (pizza and appetizers) may be provided Thursday through Sunday. Hours of operation shall be 11am to 9pm with lights out by 10pm. Limited menu food service (appetizers only) may be provided in the tasting room during regular hours of operation.
10. No beer or liquor shall be served in the tasting room.
11. Lighting shall comply with the Land Management Department policy.
12. Sound system shall only be within the structures.
13. No audio bird repellent shall be used onsite.
14. Weddings and special events must be conducted consistent with the other conditions of this permit.
15. This Conditional Use Permit shall expire in 2 years. **Permit may be renewed administratively if no compliance issues arise.**
16. Applicant understands that any intensification or expansion of the use will require the issuance of a new Condition Use Permit.
17. Applicant shall adhere to the approved Food and Wine Plan and shall ensure that food operations remain incidental/subordinate to winery operations.
18. Sound shall be limited to no more than 80 decibels at the property line.
19. Promoted access route shall be along County Road M.

Holst moved to approve the request for renewal of the conditional use permit for Belle Vinez Winery for Shannon and Angel Zimmerman, owners, with conditions #1-#19 with amendment to condition #15/Sanden seconded. Sanden thanked Josh Zimmerman for doing such a nice job and stated it makes their job easy. **All in favor. Passed.** Chairperson Fetzer would concur with Dr. Sanden and stated they have been there a couple times and it's a very nice place. They don't hear any complaints on stuff anymore. When it starts a little rough, it's great when everything smooths down. It's great for us and great for you too. Mr. Zimmerman stated they appreciate the committee's support throughout this process also. Thank you.

Discuss take action on Travel/Training Requests. Pichotta stated he has no travel/training requests at this time.

Departmental Update and Future Agenda Items

Pichotta stated we have one agenda item for March 4th, the conditional use permit renewal for the former WISC Nonmetallic Mine in the Town of Diamond Bluff and Oak Grove.

Motion to adjourn at 6:03pm by Aubart/Gulbranson seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, February 19, 2020 – 6:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates March 4 th & 18 th , April 1 st & 15 th , all in 2020.	Chair
3	Approve minutes of the February 5, 2020 Land Management Committee meeting.	Chair
4	Discuss take action on a request for renewal of a conditional use permit for Belle Vinez Winery, a conditionally permitted use, in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-76A, for Shannon and Angel Zimmerman, owners on property located in the SW ¼ of the NW ¼ of Section 3, T27N, R19W, Town of Clifton, Pierce County, WI.	Roy
5	Discuss take action on Travel/Training Requests.	Pichotta
6	Future agenda items.	Pichotta
7	Adjourn	Members
Questions regarding this agenda may be made to the Department of Land Management at 715-273-6746.		
Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities requiring special accommodations for attendance at the meeting. For additional information or to make a request, contact the Administrative Coordinator at 715-273-6851.		

A quorum of County Board supervisors may be present.

(2/7/20)

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
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MINUTES - Pierce County Land Management Committee Meeting, February 5, 2020.

Present: Jon Aubart, Neil Gulbranson, Jeff Holst, and Eric Sanden

Others: Andy Pichotta, Brad Roy, Adam Adank and Tracie Albrightson

Acting Chairperson Jeff Holst called the Pierce County Land Management Committee meeting to order at 6:00pm in the County Board Room, Ellsworth, Wisconsin.

Next meeting dates: February 19th, March 4th & 18th, April 1st & 15th all in 2020.

Approve Minutes: **Gulbranson moved to approve the January 15, 2020 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Public hearing to consider and take action on a request for a conditional use permit for an Airstrip in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-41, for Christopher Brekken, owner on property located in the N ½ of the NE ¼ of Section 4, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.

Sanden asked if any structures such as a hanger were being proposed. Brekken stated he has a pole shed and house currently on site.

Staff Report – Adam Adank: Mr. Brekken is requesting a conditional use for the private airstrip and heliport landing area on his 34 acre residential property. The airstrip/heliport will have a turf surface and will be used primarily by helicopter and a cub type of airplane. The property is located in Diamond Bluff. The site address is N4175 1080th Street. Current land use is agricultural and residential. Neighboring land uses are agricultural and wooded. The airstrip will be located on 2 adjoining parcels that the applicant owns. The parcels total 34 acres in size and are zoned Agriculture-Residential. PCC Table of Uses allows airstrips in the Agriculture-Residential zoning district with the issuance of a CUP subject to the provisions in §240-41A: a) The area proposed for this use shall be sufficient in size, and the site shall otherwise be adequate, to meet the standards of the Federal Aviation Administration (FAA), and Department of Transportation (DOT), for the class of airport proposed. b) One off-street parking space shall be required for every tie-down or plane space within the hangers. The Department of Transportation provided a certificate of airport site approval dated November 7, 2019. The Federal Aviation Administration (FAA) conducted an aeronautical study of the proposed airstrip and determined that the proposed airstrip will not adversely affect the safe and efficient use of navigable airspace by aircraft and had no objections to the proposed site. The site will not require lighting if used for daylight operations. Mr. Brekken indicated he typically flies during daylight hours but may on occasion fly after darkness. The FAA analysis determination and DOT certificate of airport site approval is for private use only. Code of Federal Regulations (CFR) §157.2 defines private use as “*available for use by the owner only or by the owner and other persons authorized by the owner.*” The DOT certificate of site approval conditioned the aerial approaches to all runways clear all public roads, highways, railroads, waterways, and other traverse ways in accordance with Section 114.134 WI. Stats. Required minimum clearances are as follows: 10 feet above private roads, 15 feet above public roads, 17 feet above interstate highways, 23 feet above railways, and an amount equal to the height of the highest mobile object that would normally travel upon them for waterways and other traverse ways. WI State Statutes Trans 57.02 defines the approach surface as an inclined plane which extends outward and upward from the runway threshold at a slope of 20:1, or for every 20 feet horizontal to 1 foot vertical. This surface is bounded by the vertical projection of the boundaries of the approach area; which is a

trapezoid centered on the extended runway centerline with an inner width of 250 feet, a length of 5,000 feet, and an outer width of 1,250 feet. The airstrip/heliport landing site ranges in elevation from approximately 964' to 990'. In relation to waterways within the approach surface, the nearest portion of the airstrip is located approximately 600' from the Mississippi River. At their nearest locations the Mississippi River has a water surface elevation around 676'. In relation to railways within the approach surface, the nearest portion of the airstrip is located approximately 550' to the Burlington Northern Railroad. At their nearest locations the Railroad has a track elevation around 688'. In relation to public roads the airstrip is located approximately 2,260' to 1080th Street. At their nearest locations the public road has a surface elevation around 998'. The airstrip will run parallel and approximately 10' away from the North property line. Pierce County Code does not have setback requirement for airstrips or heliport landing areas. Based on proposed drawings the airstrip appears to be located at least 250' from all other property lines. The closest adjacent residences include: N4102 1080th Street is located over 2,060' to the east of the airstrip and sits on a ground elevation around 1,010'. This is the only residence located within the boundaries of the DOT designated approach area. Two other residences are located about 1,700' from the airstrip. All other residences are greater than 2,400' from the nearest portion of the landing strip. Land use permits were issued to Mr. Brekken on this property in 2019 for a dwelling with detached garage and a 60' x 100' pole shed. Those structures are currently under construction and can be seen in the attached site photos. In the past the LMC has placed conditions on airstrips/heliports relating to the number of flights allowed per month and the hours of use in response to the concerns of neighbors. The LMC should consider whether the inclusion of such conditions is necessary for this location. The Town of Diamond Bluff recommended approval of this request on 12/12/2019 with no concerns or suggested conditions. The Town did not reference its Comprehensive Plan.

Staff Recommendation: Staff recommends the Land Management Committee consider whether the proposed use at the proposed location 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 airstrip 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 airstrip/heliport shall be approved by the Land Management Committee. 3) All FAA and Wisconsin DOT regulations and requirements shall be met including any airstrip design and lighting requirements. 4) Proof of adequate liability insurance shall be provided. 5) The conditional use permit will terminate if the Dept. of Transportation revokes either their certificate of airport site approval or the property owners pilots license. 6) Onsite fuel storage must be in approved containment vessels.

Chairperson Holst opened the public hearing. Pichotta stated staff received a letter from neighboring property owner, Tom Thomasser, which is in support of Mr. Brekken's request. No other comments or concerns were raised. **Chairperson Holst closed the public hearing.**

Sanden moved to approve the Airstrip for Christopher Brekken, due to the fact that the use is determined to not be contrary to public interest, nor detrimental or injurious to public health, public safety, or the character of the surrounding area with conditions #1-#6/Gulbranson seconded. All in favor. Passed.

Discuss take action on a request for renewal of a conditional use permit for a Resort in the General Rural and Commercial Districts, pursuant to Pierce County Code Chapter 240-39G, for John Grabrick, Big Dog Daddy's Roadhouse LLC, owner on property located in part of Government Lot 3, in Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI.

Staff Report- Brad Roy: The applicant is requesting to renew a CUP for a Resort. The resort will operate year-round and include 42 campsites, 24 cabins, a support structure with bathrooms and showers, and infrastructure (new roads, septic, electrical and water services). No cabins or campsites have been constructed at this time. The applicant has removed vegetation and prepared the site for utility installation. A survey of the site was completed and it was determined that there is a discrepancy with the existing fence line and east property line.

The applicant purchased a thirty foot strip of land from the neighboring property owner to the east (WDNR). The sale recently became final. The resort would have needed to be redesigned if the sale would not have been completed. Pending the completion of the sale, the applicant stopped construction activities on the site. A Bar and Grill and mobile home is currently on the property. The applicant had previously stated the intention of purchasing the neighboring property to the west and making that his primary residence. The applicant was not able to purchase that property and will continue to reside onsite. Resort is defined as: A facility for transient guests where the primary attraction is generally on-site recreational features or activities and may include multiple related uses managed as one operation. Surrounding land uses are the Red Wing Airport to the north, railroad right-of-way to the south, vacant DNR property to the east and residential to the west. The proposed design is for camping cabins line the exterior west, south and east borders of the property. The 42 campsites will be in the interior area. Interior roads will have a minimum width of 26'. The applicant is proposing two styles of cabin. One style of cabin will have full bathroom and kitchenette. The other style will be a sleeping cabin. The applicant received a Land Use Permit to construct a shed in 2016. The structure was permitted to only be used for storage. The applicant intends to use this structure for the resort bathrooms and showers. The structure will need to have Commercial Plan approval from DSPS, prior to resort use. The plan also includes retail space within the structure. A rezone of that area (including the Bar and Grill) to commercial will be needed. Pierce County Code 184 regulates campgrounds under the Public Health Department. At this time, the Public Health Department has not issued a permit for the site. There is an existing sanitary system and holding tank; the applicant intends to update the systems to satisfy current state codes and use it for the resort. Phase 1 of the plan includes construction of 17 campsites. Further development of campsites and cabins will occur based on demand. The applicant will also construct a pavilion near the volleyball courts (in the General Rural district) and replace an old sign and post with a new sign for the business. A survey of the site will be completed to verify all lot lines and setbacks prior to any resort construction. Staff contacted the Town of Isabelle Chairperson regarding this request. They have no concerns for renewing the permit. The 6 month status report, required by condition #10, was not completed. This was largely due to the activity ceasing pending the neighboring land purchase and the lack of any significant new information to provide to the LMC. A screening plan will need to be completed as required by Condition #4. The existing conditions are listed 1-10. Following discussion with Legal Counsel, staff is recommending removing Condition #7. This condition in essence requires the Land Management Department and Committee to enforce local and/or state ordinances and regulations that they have no control over. With that condition in place, an applicant's failure to comply with, or dispute about the administration of, another agency's ordinance or licensing requirements could require the Land Management Committee to revoke their CUP. All local or state ordinances contain penalty provisions relating to non-compliance with that ordinance or rule. Given this, it is not necessary for the LMC to tie CUP's to compliance with other agency rules and regulations. Removal of this condition would not excuse an applicant from the need to obtain all necessary permits and approvals; it simply removes the Land Management Committee from enforcing them.

Staff Recommendation: Staff recommends that the Land Management Committee determine whether the additional conditions are necessary to protect public health, public safety, or the character of the surrounding area. If not, staff recommends the Land Management Committee renew this Conditional Use Permit for a Resort with the following conditions, 1-9, the only change being the removal of old condition #7.

Grabrick stated they closed on the property to the east of them on December 2nd and on December 3rd the heavy equipment was in popping stumps out and now they are bringing in the fill dirt and getting it ready. The 30 foot strip was very important to them because the new well, electric service and a portion of the new building were all in that area.

Gulbranson moved to approve the renewal of the conditional use permit for a Resort for John Grabrick, Big Dog Daddy's Roadhouse LLC, with conditions #1-#9/Sanden seconded. All in favor. Passed.

Discuss take action on Travel/Training Requests. Pichotta stated there is one request for Adam Adank to attend DSPS POWTS training in Baldwin, WI on February 11, 2020 from 9am to 4pm. He would use a Land Management vehicle.

Sanden moved to approve the travel/training request for Adam Adank/Aubart seconded. All in favor. Passed.

Departmental Update and Future Agenda Items: Renewal of CUP for Zimmerman's Belle Vinez Winery in the Town of Clifton.

Motion to adjourn at 6:20pm by Sanden/ Aubart seconded. All in favor. Motion passed.
Respectfully submitted by T. Albrightson

**LAND MANAGEMENT COMMITTEE
MEETING REVISED AGENDA
Wednesday, February 5, 2020 – 6:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates February 19 th , March 4 th & 18 th , April 1 st & 15 th , all in 2020.	Chair
3	Approve minutes of the January 15, 2020 Land Management Committee meeting.	Chair
4	Public hearing to consider and take action on a request for a conditional use permit for an Airstrip in the Agriculture Residential District, pursuant to Pierce County Code Chapter 240-41, for Christopher Brekken, owner on property located in the N ½ of the NE ¼ of Section 4, T25N, R19W, Town of Diamond Bluff, Pierce County, WI.	Adank
5	Discuss take action on a request for renewal of a conditional use permit for a Kennel in the General Rural Flexible 8 District, pursuant to Pierce County Code Chapter 240-36I, For Jerry & Debra Hallis, owners on property located in the SW ¼ of the SE ¼ of Section 11, T26N, R19W, Town of Oak Grove, Pierce County, WI.	Lund
6	Discuss take action on a request for renewal of a conditional use permit for a Resort in the General Rural Flexible and Commercial Districts, pursuant to Pierce County Code Chapter 240-39G, for John Grabrick, Big Dog Daddy's Roadhouse LLC, owner on property located in part of Government Lot 3, in Section 7, T24N, R17W, Town of Isabelle, Pierce County, WI.	Roy
7	Discuss take action on Travel/Training Requests.	Pichotta
8	Future agenda items.	Pichotta
9	Adjourn	Members

Questions regarding this agenda may be made to the Department of Land Management at 715-273-6746.

Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities requiring special accommodations for attendance at the meeting. For additional information or to make a request, contact the Administrative Coordinator at 715-273-6851.

A quorum of County Board supervisors may be present.

(1/24/20)

- **Revised Agenda January 24, 2020 @ 2:13pm.**

PIERCE COUNTY WISCONSIN
DEPARTMENT OF LAND MANAGEMENT & RECORDS
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MINUTES - Pierce County Land Management Committee Meeting, January 15, 2020

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

Others: Andy Pichotta, Emily Lund, and Shari Hartung

Chairperson Joe Fetzer called the Pierce County Land Management Committee meeting to order at 6:00pm in the County Board Room, Ellsworth, Wisconsin.

Next meeting dates: February 5th & 19th, March 4th & 18th, all in 2020.

Approve Minutes: **Gulbranson moved to approve the December 18, 2019 Land Management Committee minutes/Aubart seconded. All in favor. Passed.**

Discuss take action on a request for final plat approval for Hidden Hills of the Kinni for Cory & Gena Huppert, owners, by Dan Kugel, agent on property zoned General Rural Flexible 8 and described as the entire NE ¼ of Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.

Staff Report – Emily Lund: The applicants are requesting final plat approval of a 13-lot platted subdivision. Outlot 1 has been omitted and that area incorporated into the adjoining lots. Subsequent to this, the plat states on Sheet 1, Note #3, “No land disturbance is allowed on Lots 5, 6, 7, and 9 (west of the drainage easement of said lots) without approval from the Pierce County Land Conservation Department (see “No Land Disturbance” sketch on Sheet 2).” This notation satisfies LCC preliminary plat condition 3. This is the first phase of a multi-phased subdivision. The LMC granted concept plan approval on 1/2/2019 and preliminary plat approval on 7/3/2019. The property is located in the NE ¼ of Section 9, Town of Clifton. The Huppert’s own 164.9 acres of land zoned GFR8 that allows for the creation of 33 lots. This first phase incorporates 60.7 acres and would create 13 buildable lots. The Land Conservation Committee (LCC) preliminary plat conditions have been met. The committee met on 6/20/2019, with the following six conditions which are listed in the staff report. The preliminary plat conditions have been met. The Land Management Committee met on 7/3/2019 and approved the preliminary plat with the following twelve conditions and all those preliminary plat conditions have also been met. The Clifton Town Board approved the final plat on 10/1/2019 “contingent on Cedar Corporation’s final approval and the roads are completed to meet Town standards.” Cedar Corporation observed construction of the public infrastructure for compliance with the approved Road & Erosion Control Plan (7/16/2019) and the Grading Plan for Hidden Hills of the Kinni Phase 1 (5/29/2019). Cedar Corporation submitted a memo to the Town of Clifton on 12/18/2019 stating that they “found the work completed to date to be in substantial conformity with the project plans and specifications as detailed in the May 21, 2019 Developer’s Agreement.” An amended Developers Agreement between the Huppert’s and the Town of Clifton was signed and submitted to the Department on 11/5/2019. The WI Dept of Administration – Plat Review does not object to the final plat and certified that it complies with §236.15, §236.16, §236.20, and §236.21, Wis. Statutes as stated in their letter dated 1/7/2020. Plat Review has no conditions for this plat. On 10/28/2019 and 11/20/2019, the Land conservation Department (LCD) staff conducted site visits. Ogden Engineering submitted as-built storm water and erosion control plans to LCD on 11/19/2019. On 11/21/2019, the Land Conservation Committee approved the as-built storm water and erosion control plans with the following conditions:

1. The majority of the site that had excavation and grading does not have vegetation established, the owner must extend the letter of credit (construction bond) until the vegetation is adequately established in summer of 2020. Lund added these other items after that. *The irrevocable letter of credit expires June 5,*

2020. However, Department staff can request to renew or replace the financial assurance prior to June 5, 2020 if erosion control measures are not addressed to Pierce County's satisfaction.

2. The grass channel that conveys runoff to storm water pond between lots 7-9 does not have a stable outlet. Ogden Engineering and owner must submit details on modification to this channel to ensure runoff does not cause damage to grass channel near pond. *To be completed by Mr. Huppert and Ogden Engineering in the spring 2020. LCD staff to verify spring 2020.*
3. Segments of the silt fence near the overburden soil piles have been damaged and must be repaired to prevent sediment from leaving the site. *Completed per Mr. Huppert, LCD staff to verify spring 2020.*
4. The trash guards on the storm water pond inlet pipes need to be properly secured. *Completed per Mr. Huppert. LCD staff to verify spring 2020.*

Corporation Counsel reviewed covenants for the purposes of ascertaining their consistency with Pierce County subdivision and zoning regulations. The covenants were approved. The covenants and plat will need to be recorded simultaneously.

Staff visited the site on 10/25/2019 and verified that the traffic control signs, speed limit signs, and road number signs were installed. The Department plat review fees were paid on 6/14/2019.

Staff Recommendation: Staff recommends the Land Management Committee approve this request for final plat approval with the following conditions:

1. The covenants and plat shall be recorded simultaneously.
2. Any erosion concerns that may arise shall be addressed immediately to the satisfaction of the County.
3. A follow-up inspection in the spring of 2020 will be necessary to insure site stability per Land Conservation Department's conditions 1-4. Applicant understands that the irrevocable letter of credit will need to be renewed until the Land Conservation Department notifies the Department of Land Management that all conditions have been met and the site is permanently stabilized.

Chairperson Fetzer asked Mr. Kugel if he had anything to add. Mr. Kugel stated no. Holst asked what recourse do we have if conditions #1 - #3 aren't met. Pichotta stated we have the financial surety/bond. Holst stated then we would do the work if it isn't done. Pichotta stated that is exactly right.

Holst moved to approve the request for final plat approval for Hidden Hills of the Kinni for Cory & Gena Huppert, owners, by Dan Kugel, agent, with conditions #1-#3/Gulbranson seconded. All in favor. Passed. Dan Kugel asked if it is possible to get the plat signed. Pichotta stated yes at the end of the meeting.

Discuss take action on Travel/Training Requests. Pichotta stated he has one travel/training request for Kevin Etherton to attend the Wisconsin Land Information Association annual conference in Middleton, WI, on February 19th through the 21st. The cost is \$305.00. This is one of those items that we get a grant for. He will use a County vehicle and he will be staying in a hotel. **Aubart moved to approve the travel/training request for Kevin Etherton to attend the WLIA conference/Sanden seconded. All in favor. Passed.**

Departmental Update and Future Agenda Items

Pichotta stated we have a public hearing to consider a request for a Heliport/Airstrip for Chris Brekken in the Town of Diamond Bluff. The Hallis Dog Kennel conditional use permit is up for renewal, if you recall that is the folks in the Town of Oak Grove who have the tiny dogs. Lastly, we have the renewal for Big Dog Daddy's Resort/Campground. Also, you will notice that you all have plat books, Extension had them done again and because they use our data, we are able to get a handful of books for staff as well as for the committee.

Motion to adjourn at 6:10pm by Holst/Sanden seconded. All in favor. Motion passed.

Respectfully submitted by S. Hartung

**LAND MANAGEMENT COMMITTEE
MEETING AGENDA
Wednesday, January 15, 2020 – 6:00 p.m.
County Board Room, Pierce County Courthouse,
414 W. Main St. Ellsworth, WI 54011**

#	Action	Presenter
1	Call to order	Chair
2	Next meeting dates February 5 th & 19 th , March 4 th & 18 th , all in 2020.	Chair
3	Approve minutes of the December 18, 2019 Land Management Committee meeting.	Chair
4	Discuss take action on a request for final plat approval for Hidden Hills of the Kinni for Cory & Gena Huppert, owners, by Dan Kugel, agent on property zoned General Rural Flexible 8 and described as the entire NE ¼ of Section 9, T27N, R19W, Town of Clifton, Pierce County, WI.	Lund
5	Discuss take action on Travel/Training Requests.	Pichotta
6	Future agenda items.	Pichotta
7	Adjourn	Members
Questions regarding this agenda may be made to the Department of Land Management at 715-273-6746.		
Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities requiring special accommodations for attendance at the meeting. For additional information or to make a request, contact the Administrative Coordinator at 715-273-6851.		

A quorum of County Board supervisors may be present.

(1/3/20)